PERMANENT ADMINISTRATIVE ORDER

DMV 2-2020
CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILING CAPTION: Eliminating Proof of Address Requirement for Replacement Driver License, Permit and Identification Cards

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RULES:
735-062-0030, 735-062-0110, 735-062-0120, 735-062-0125

AMEND: 735-062-0030

NOTICE FILED DATE: 11/27/2019

RULE SUMMARY: This rule amendment eliminates the requirement for an applicant to provide proof of residence address when applying for a replacement driver license, permit or identification card.

CHANGES TO RULE:

735-062-0030
Proof of Residence Address ¶

(1) DMV requires all applicants for an original driver permit, driver license, or identification card to present proof of the applicant’s current residence address. Current residence address is the address where the applicant actually lives. DMV will include this address on the driver permit, driver license, or identification card. Acceptable proof includes 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 proof of 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 proof includes any of the items listed in section (3) of this rule. ¶
(3) Proof of residence address must contain the applicant’s first name, last name, and current residence address and includes any of the following: ¶
(a) Any proof of legal presence, identity and date of birth document listed in OAR 735-062-0015 and 735-062-0020. ¶
(b) Mortgage documents or a rental or lease agreement. ¶
(c) Monthly rental receipt or letter from a hotel, motel, campground or recreational vehicle park that permits extended stays. ¶
(d) A verbal statement from any person residing at the same residence address as provided by the applicant on the application. The person making the verbal statement must accompany the applicant at the time of application and present one acceptable proof of address document as set forth in this rule.

(e) Utility hook-up order or account statement issued by the service provider.

(f) A loan agreement, payment booklet, voucher, statement or other financial record.

(g) Any document delivered to the current resident address by the United States Postal Service, FedEx, UPS, or other delivery service. DMV will accept a document with or without the envelope or packaging as long as the residence address is printed on the document.

(h) Oregon vehicle title or registration documents belonging to the primary owner listed and containing only the owner’s residence address.

(i) Oregon manufactured structure ownership documents.

(j) Oregon voter notification card.

(k) Selective Service card.

(L) Insurance card, insurance policy, medical records 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) A pay stub, W2, 1099 or income tax return.

(q) Letter from the United States Postal Service, 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.

(r) A letter from a corporation or business that provides corporate housing to employees.

(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 the applicant actually resides, e.g., "under the west end of Burnside Bridge." The applicant must prove that the applicant 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 the applicant 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.

Statutory/Other Authority: ORS 184.616, 184.619, 802.010, 807.050, 807.150, 807.400
Statutes/Other Implemented: ORS 807.110, 807.160, 807.400
AMEND: 735-062-0110

NOTICE FILED DATE: 11/27/2019

RULE SUMMARY: This rule amendment eliminates the requirement for proof of residence address when an applicant is applying for a replacement driver license, permit or identification card.

CHANGES TO RULE:

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 applicant 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 applicant's driver license, driver permit or identification card.
(b) Changes a residence address or mailing address from the address noted on the applicant's driver license, driver permit or identification card or adds a mailing address.
(c) Is a corrections officer, eligible employee, or household member of a corrections officer or eligible employee killed in the line of duty who has requested, in accordance with ORS 802.250 or 802.253, that department records show the address of the corrections officer's or eligible employee's employer.
(d) Changes names from the name noted on the applicant's driver license, driver permit or identification card.
(e) Is applying for or is required to add or remove a restriction on the applicant'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 applicant's driver license or driver permit.
(g) Requests that a veteran designation be added to or removed from his or her applicant's driver license, driver permit or identification card. To add a veteran designation, the applicant must provide proof the applicant is a veteran as set forth in OAR 735-062-0012(2).
(h) Furnishes proof satisfactory to the department or the department determines that the department made an error when issuing the applicant's driver license, driver permit or identification card.
(i) Surrenders the applicant's driver license that was issued without a photograph under OAR 735-062-0120 and requests a driver license with a photograph.
(j) Surrenders a driver license, driver permit or identification card to the department following a suspension and the applicant becomes eligible for driving privileges or an identification card.
(k) Has a driver license, driver permit or identification card that was confiscated by a police officer, a court or other agency and the applicant is eligible for a driver license, driver permit or an identification card.
(L) 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.
(m) Has not received his or her applicant's driver license, driver permit or identification card in the mail and the applicant does not meet the requirements under OAR 735-062-0092(3) for a reissued driver license, driver permit or identification card.
(n) 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.
(o) Requests a downgrade from one license class to another (e.g., a Commercial Driver License to a non-commercial Class C driver license).
(p) Requests to correct information on the driver license, driver permit or identification card that was provided to DMV in error.
An applicant for a replacement driver license, driver permit, or identification card must:

(a) Provide a verifiable SSN, or proof that the person applicant 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.

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.

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.

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) and the Commercial Driver License Information System (CDLIS) to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.

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 and CDLIS shows that the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.

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.

Notwithstanding subsection (3)(c) of this rule, when an applicant applies for a replacement driver license, driver permit or identification card at a DMV office, DMV will issue the replacement driver license, driver permit or identification card using the applicant's previous photograph on file with DMV except in situations including, but not limited to, the following:

(a) The last photograph on file with DMV is older than nine years two months, or does not meet current quality standards for capturing a photograph as described in OAR 735-062-0016;
(b) The applicant requesting the replacement driver license, driver permit or identification card is between the ages of 21 and 27 and is not eligible for a renewal;
(c) The applicant is requesting the replacement driver license, driver permit or identification card because of a change in his or her the applicant's physical appearance that may be considered significant;
(d) The applicant is requesting the replacement driver license, driver permit or identification card because the or she applicant is changing the gender designation on record with DMV or applicant is changing his or her the applicant's name as part of transitioning to the desired gender;
(e) The applicant is requesting the replacement driver license, driver permit or identification card after a suspension imposed under ORS 809.310(3)(a) ORS 809.310(3)(b) or 809.415(5) has been rescinded or reinstated;
(f) The applicant:

(A) Will not be in this state for circumstances constituting "good cause" under OAR 735-062-0125 when the applicant's driver license, driver permit or identification card must be renewed; and
(B) Is applying for the replacement driver license, driver permit or identification card to update the applicant's photograph on file with DMV so the or she applicant will be eligible for issuance of a Valid with Previous Photograph renewal as authorized under OAR 735-062-0125.

Statutory/Other Authority: ORS 184.616, 184.619, 802.010, 807.021, 807.160
Statutes/Other Implemented: ORS 807.021, 807.220, 807.230, 807.280, 807.400
AMEND: 735-062-0120

NOTICE FILED DATE: 11/27/2019

RULE SUMMARY: This rule amendment eliminates the requirement for proof of residence address when an applicant is applying for a replacement driver license, permit or identification card.

CHANGE TO RULE:

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 applicant 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;
   (b) Whose religious beliefs require the applicant to wear a head covering, clothing or similar material that partially or completely covers the applicant's face, preventing the applicant from being photographed as described in OAR 735-062-0016(2);
   (c) Who has severe facial disfigurement; or
   (d) Who is stationed outside of this state while in the active military service in the Armed Forces of the United States or the National Guard, and the department is unable to issue the driver license using the previous photo on file as provided under OAR 735-062-0125.

(2) In addition to satisfying the requirements of section (1), an applicant for issuance of a driver license under this rule must:
   (a) Provide a verifiable SSN, or proof of ineligibility for a SSN, as provided in OAR 735-062-0005;
   (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).

(3) An applicant applying for a replacement or renewed driver license under section (1)(d) of this rule must also provide proof of being a resident of or domiciled in Oregon as described in OAR 735-016-0040.

Statutory/Other Authority: ORS 184.616, 184.619, 802.010, 807.110
Statutes/Other Implemented: ORS 807.110
CHANGE TO RULE:

735-062-0125
Standards for Issuance of a Renewal or Replacement Driver License, Driver Permit or Identification Card Containing a Previous Photograph

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

(a) Provides proof that he or she is a resident of or domiciled in Oregon as described in OAR 735-016-0040;¶

(b) Provides proof or previously has proven legal presence in the United States as required by OAR 735-062-0015. An applicant who has not previously provided proof to DMV of legal presence in the U.S. may provide a copy, satisfactory to DMV, of one or more documents required by OAR 735-062-0015(2), (3) or (4).¶

(c) Provides his or her SSN on the application form as required under OAR 735-062-0005. DMV will verify the SSN with the SSA unless the SSN provided has previously been verified;

(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 driver license, driver permit or identification card at a DMV office;

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

(f) Meets all other qualifications for the driver license, driver permit or identification card sought.

(2) Circumstances constituting "good cause" for purposes of subsection (1)(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, driver permit or identification card is lost, stolen or mutilated;

(c) The applicant is traveling outside of Oregon and the applicant's Oregon driver license, driver permit 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 driver license, driver permit 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 health care provider.

(3) DMV will not issue a valid with previous photograph replacement or renewal driver license, driver permit or identification card to an otherwise qualified applicant, if the applicant makes a request to change name, date of birth or SSN.

(4) DMV will not issue a valid with previous photograph renewal driver license, driver permit or identification card to a person who provided proof of being legally present in the United States on a temporary basis under ORS 735-062-0015(5).

(5) Notwithstanding section (1) of this rule, DMV may issue a renewal or replacement driver license, driver permit or identification card containing a photograph of the applicant already on file with DMV, if the applicant has an Oregon driver license, driver permit or identification card and is on active duty in the United States Armed Forces stationed 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) SSN to be verified with the SSA, if not previously verified.

(6) A spouse, domestic partner or dependent of a military person on active duty in the United States Armed Forces outside of Oregon who qualifies under section (5) of this rule, who has an Oregon driver license, driver permit or identification card may qualify for a renewed or replaced driver license, driver permit or identification card using the previous photograph, if the spouse, domestic partner 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, domestic partner or dependent's Military identification card; and

(d) The spouse, domestic partner or dependent's Social Security number. DMV must verify the SSN with the SSA, if not previously verified.

(7) Notwithstanding section (3) of this rule, DMV may issue a renewal or replacement driver license, driver permit or identification card with a name change to an applicant who provides sufficient proof of full legal name as required by OAR 735-062-0014 and otherwise qualifies for a valid with previous photograph driver license, driver permit or identification card under section (5) or (6) of this rule.

(8) A replacement driver license, driver permit or identification card issued at a DMV office will contain the applicant's previous photo on file unless the applicant qualifies for a new photograph as defined in OAR 735-062-0110.

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

(10) Notwithstanding section (1)(a) of this rule, an applicant for a replacement driver license, permit or identification card containing a previous photo on file is not required to provide proof of residency or domicile in Oregon as described in OAR 735-016-0040.

Statutory/Other Authority: ORS 184.616, 184.619, 802.010, 807.110

Statutes/Other Implemented: ORS 807.110, 807.400