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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 735  
DEPARTMENT OF TRANSPORTATION  
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

**FILED**  
07/29/2020 3:15 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: Delivery Method of Notice of Cancellation, Notice of Suspension and Notice of Expiration

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 08/21/2020 5:00 PM

*The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.*

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.*

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Filed By:  
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NEED FOR THE RULE(S):

SB 57 (Oregon Laws 2019, chapter 312, sections 20, 23 and 28) requires the department to determine by rule the method used to serve:

- Notice of cancellation of the registration or title or both;
- Notice of suspension when the person has failed or refused to pay a fine or obey an order of the court; and
- Notice of approaching expiration of driver license, driver permit, and identification cards.

This rulemaking is a follow up to the emergency rules currently in effect for both rules identified in this rulemaking. The permanent rules proposed in this rulemaking are identical to the emergency rules currently in effect.

DMV is proposing to amend OAR 735-010-0260 to include how DMV will serve notice to customers when DMV initiates cancellation of a vehicle registration or title or both. With this rulemaking, DMV is not changing the method used to send customers notices of cancellation that had previously been described in statute. DMV will continue to send notice of cancellation of registration or title or both by first class mail.

Additionally, DMV is adding reference to ORS 809.416 in the "statutes/other implemented" of OAR 735-010-0260. The notices for suspension of driving privileges sent to customers under ORS 809.416 will follow the delivery method already described in OAR 735-010-0260(1).

DMV is proposing the adoption of OAR 735-062-0088 to add to rule the method DMV will use to deliver notices of

expiration of a driver license, driver permit, or identification card to customers. DMV will continue to mail the notification by first class mail to the address maintained in the DMV records as had been previously described in statute.

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

<https://olis.oregonlegislature.gov/liz/2019R1/Downloads/MeasureDocument/SB57/Enrolled>

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FISCAL AND ECONOMIC IMPACT:

None; DMV already sends notices by first class mail.

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COST OF COMPLIANCE:

*(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).*

None

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

DMV sent draft rules to 14 organizations representing small businesses. No responses were received.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

DMV does not have the capability to send notice of cancellation, notice of suspension or notice of approaching expiration in any manner other than first class mail.

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RULES PROPOSED:

735-010-0260, 735-062-0088

AMEND: 735-010-0260

RULE SUMMARY: This rulemaking carries out the requirements of sections 23 and 28 of SB 57 (2019). SB 57 (2019) (Oregon Laws 2019, chapter 312, sections 23 and 28) requires the department to determine by rule the method used to serve:

- Notice of cancellation of the registration or title or both; and
- Notice of suspension when the person has failed or refused to pay a fine or obey an order of the court.

CHANGES TO RULE:

735-010-0260

~~Notification~~ DMVs Method of Serving Notice of Suspension/Cancellation/Revocation

The purpose of this rule is to provide the method DMV uses to send both driver and vehicle related notices to customers.

(1) Except as specified in section (2) of this rule, when DMV is authorized or required to suspend, revoke or cancel a person's driving privileges, commercial driving privileges or the right to apply for driving privileges or commercial driving privileges, DMV will inform the person by sending a notice of suspension, notice of cancellation or notice of revocation to the person by first class mail to the person's address in DMV records.

(2) If violation of a suspension or revocation would constitute the offense described in ORS 811.182, DMV will inform the person by sending a notice of suspension or revocation by mailing the notice by certified mail, restricted delivery, return receipt requested, to the person's address in DMV records.

(3) When DMV issues a notice as required by ORS 809.090 initiating cancellation of a vehicle's registration, title or both, DMV will send a notice of cancellation by first class mail to the holder's address in DMV records.

Statutory/Other Authority: ORS 184.619, 802.010, & 809.430

Statutes/Other Implemented: ORS 809.090, 809.416, 809.430

ADOPT: 735-062-0088

RULE SUMMARY: This rulemaking carries out the requirement in SB 57 (2019). SB 57 (2019) (Oregon Laws 2019, chapter 312, section 20) requires the department to determine by rule the method used to serve notice of approaching expiration of driver license, driver permit, and identification cards.

CHANGES TO RULE:

735-062-0088

Notification of Approaching Expiration of Driver License, Driver Permit, and Identification Card

DMV will notify the person to whom a driver license, driver permit or identification card was issued by sending a notice of the approaching expiration by first class mail to the person's address in DMV records.

Statutory/Other Authority: ORS 184.619, 802.010, 807.140

Statutes/Other Implemented: ORS 807.140, 807.220, 807.400