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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 3:14 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Extending Validity Period of Temporary Duplicate Disability Parking Permits to 120 Days

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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Rules Coordinator

NEED FOR THE RULE(S):

In 2019, the Oregon Legislature amended ORS 811.602 (Oregon Laws 2019, chapter 413). Pursuant to ORS 811.602(3), DMV may issue a temporary duplicate disability parking permit to customers for travel purposes. The temporary duplicate permit can only be issued to the holder of an existing parking permit to serve as a travel copy. This rulemaking will amend OAR 735-080-0046 and 735-080-0080 in accordance with HB 2999 to reflect a validity period of up to 120 days.

The rulemaking also allows a customer to re-certify for a temporary duplicate at any time. Previously, a customer had to wait until within seven days of the old permit's expiration date in order to apply for a new permit. Allowing a customer to renew at any time will be more consistent with how other parking permits may be renewed.

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.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

https://www.oregonlegislature.gov/bills_laws/lawsstatutes/2019orlaw0413.pdf

FISCAL AND ECONOMIC IMPACT:

The cost of compliance is a direct result from the Legislature's enactment of Oregon Laws 2019, chapter 413. A fiscal impact analysis was previously conducted prior to the enactment of this legislation.

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

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

Fourteen groups representing small businesses were notified of the proposed amendments and invited to comment. No comments were received.

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

There are no changes to DMV procedures or any customer impact.

RULES PROPOSED:

735-080-0046, 735-080-0080

AMEND: 735-080-0046

RULE SUMMARY: This rule is being amended in accordance with HB 2999 to reflect a validity period of up to 120 days. Pursuant to ORS 811.602(3), DMV may issue a temporary duplicate disability parking permit to customers for travel purposes. The temporary duplicate permit can only be issued to the holder of an existing parking permit to serve as a travel copy.

The rulemaking also allows a customer to re-certify for a temporary duplicate at any time. Allowing a customer to renew at any time will be more consistent with how other parking permits may be renewed.

CHANGES TO RULE:

735-080-0046

Expiration and Renewal of Disabled Person Parking Permits ¶¶

(1) An individual, or wheelchair user permit or decal expires on the expiration date of the person's driver license, disability golf cart permit, identification card or parking identification card. The permit or decal must be renewed within one year from the date of expiration of the permit. To renew a permit or decal, the holder must appear in person at a DMV field office if also renewing a driver license, disability golf cart permit or identification card. Otherwise, the holder may renew by submitting:¶¶

(a) The Parking Placard and Driver license or ID card Renewal Reminder (DMV form 735-7353) that includes a Certificate of Disability completed by the holder's licensed physician; or¶¶

(b) An Application for a Person with a Disability Parking Permit, on DMV form 735-265 as described in OAR 735-080-0020, that includes a Certificate of Disability completed by the holder's licensed physician, licensed nurse practitioner or licensed physician assistant.¶¶

(2) An Oregon Wounded Warrior permit or decal expires on the expiration date of the person's driver license, disability golf cart permit, identification card or parking identification card. The permit or decal must be renewed within one year from the date of expiration of the permit. To renew a permit or decal, the holder must appear in person a DMV field office if the person is also renewing a driver license, disability golf cart permit or identification card. Otherwise, the holder may renew by submitting:¶¶

(a) Either the Parking Placard and Driver license or ID card Renewal Reminder (DMV form 735-7353) that

includes a Certificate of Disability completed by the holder's physician, or an Application for a Person with a Disability Parking Permit, on DMV form 735-265 as described in OAR 735-080-0020, that includes a Certificate of Disability completed by the holder's licensed physician, licensed nurse practitioner or licensed physician assistant; and¶¶

(b) Documentation issued by the United States Department of Veterans' Affairs or any branch of the Armed Forces of the United States, that states the applicant:¶¶

(A) Has a U.S. Department of Veterans Affairs total disability rating of a least 50 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service; and¶¶

(B) Received a discharge or release under other than dishonorable conditions.¶¶

(3) To renew a disabled person parking permit with a parking identification card as described in OAR 735-080-0060 the holder must submit to the DMV Driver Issuance Unit - Parking Permits Clerk at 1905 Lana Ave NE, Salem, OR, 97314, a completed Non-Photo Parking ID Card and Disabled Person's Parking Permit Application (DMV form 735-265) that includes a Certificate of Disability completed by the holder's licensed physician, licensed nurse practitioner or licensed physician assistant.¶¶

(4) A program permit expires eight years from the date of issuance. DMV will renew and issue new permit(s) if the program continues to qualify and completes DMV form 735-265PP. The form must be submitted to DMV, Driver Issuance Unit, 1905 Lana Avenue NE, Salem, Oregon 97314. The permit must be renewed within one year from the date of expiration of the permit.¶¶

(5) A family permit expires eight years from the date of issuance. DMV will renew and issue new permit(s) if a family continues to qualify and completes DMV form 735-265FPP. The form must be submitted to DMV, Driver Issuance Unit, 1905 Lana Avenue NE, Salem, Oregon 97314. The permit must be renewed within one year from the date of expiration of the permit.¶¶

(6) A temporary disabled person parking permit expires six months from the date of issuance. The permit may not be renewed, but the person may re-apply for a temporary disabled person parking permit by complying with OAR 735-080-0020(3) if the person's temporary disability continues beyond a six-month period.¶¶

~~(7) A temporary duplicate permit expires 30 days after issuance. A person may not renew a temporary duplicate permit.¶¶~~

~~(8) A disabled person parking permit automatically expires and becomes invalid when the individual, wheelchair user, Oregon Wounded Warrior, program or family no longer meets the qualifying conditions. The permit must be returned immediately to DMV. A disabled person parking permit may not be transferred to any other person.~~

Statutory/Other Authority: ORS 184.619, 802.010, 811.602, 811.607, 811.609

Statutes/Other Implemented: ORS 811.602, 811.604, 811.605, 811.606, 811.607, 811.609

AMEND: 735-080-0080

RULE SUMMARY: Pursuant to ORS 811.602(3), DMV may issue a temporary duplicate disability parking permit to customers for travel purposes. The temporary duplicate permit can only be issued to the holder of an existing parking permit to serve as a travel copy. This rulemaking will amend OAR 735-080-0046 and 735-080-0080 in accordance with HB 2999 to reflect a validity period of up to 120 days.

The rulemaking also allows a customer to re-certify for a temporary duplicate at any time. Previously, a customer had to wait until within seven days of the old permit's expiration date in order to apply for a new permit. Allowing a customer to renew at any time will be more consistent with how other parking permits may be renewed.

CHANGES TO RULE:

735-080-0080

Temporary Duplicate Permits ¶¶

(1) DMV may issue a temporary duplicate permit to an applicant with a valid renewable disabled person parking permit, disabled person parking decal or temporary disabled parking permit and who needs a second permit to travel outside of the person's county of residence. The person must submit a completed application (DMV Form 265).¶¶

(2) DMV will only issue a temporary duplicate permit for travel purposes. Travel purposes means a person must park a vehicle in a disabled person parking space to travel outside of the person's county of residence in another vehicle.¶¶

(3) DMV will not issue a temporary duplicate permit with an expiration date that is later than the expiration date of the driver license, driver permit or identification card of the individual applying for the permit.¶¶

(4) Except as provided in section (5) of this rule, a temporary duplicate permit is valid for a period of ~~30~~ up to 120 days from the date of issuance.¶¶

(5) A person may apply for a new temporary duplicate permit ~~within 30 days of the expiration of an existing~~ new temporary duplicate permit. ~~The effective date is the date of issuance of the new temporary duplicate permit. DMV will be the day after the expiration date of the existing~~ invalidate the old permit upon issuance of the new temporary duplicate permit.

Statutory/Other Authority: ORS 184.616, 9. 802.010 & 811.602

Statutes/Other Implemented: ORS 811.602