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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
09/24/2020 9:39 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Service Transformation Program: Address Changes, Driver License & ID Card Design and Cancellations

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2020 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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NEED FOR THE RULE(S):

DMV's Service Transformation Program (STP) created opportunities to review DMV programs and optimize them based on new technological capabilities.

In an effort to deter unauthorized or fraudulent address changes, proposed rule amendments eliminate the ability for a person to change their address by use of a drop box or in writing. An exception to the limitations on how DMV will accept notification of change of address is proposed for persons whose address is protected by law.

Through STP, DMV has identified provisions in rule that do not reflect current processes. DMV proposes to repeal OAR 735-070-0040 because DMV does not amend a customer's address on record upon receiving any court conviction or order to suspend a driving privilege that contains a different address. Proposed amendments bring administrative rules up to date with the impact a commercial driver license cancellation has on non-commercial driving privileges.

To comply with mandatory data elements from the American Association of Motor Vehicle Administrators (AAMVA) card design standards, DMV needs to record eye color on the driver license, driver permit or identification card issued to any applicant. Minor terminology amendments are also proposed to avoid the use of gender specific pronouns and to align with terminology used in Oregon Revised Statutes.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

None

FISCAL AND ECONOMIC IMPACT:

See statements below.

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).

(1) Except as otherwise noted below, the cost of compliance on state agencies, units of local government and the public is none. The majority of the rule amendments within this rulemaking are process improvements consisting of changes to the way DMV conducts its business and/or minor corrections intended to clarify provisions of certain administrative rules.

Amendment to OAR 735-010-0070 will result in DMV no longer accepting written forms, or completed notice of address changes through drop boxes or the mail for persons whose addresses are not protected by privacy laws. This may cause a delay for some individuals who are accustomed to notifying DMV through the methods being removed. However, persons can still change their address in a DMV office, online through DMV's website, or by telephone after identification is verified.

(2)(a), (b) and (c) None

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

Fourteen groups representing small businesses were notified and invited to comment. No comments were received.

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

This administrative rulemaking establishes provisions necessary to implement DMV's system modernization project and creates efficiencies for DMV processes.

RULES PROPOSED:

735-010-0070, 735-018-0100, 735-062-0013, 735-062-0135, 735-070-0035, 735-070-0040

AMEND: 735-010-0070

RULE SUMMARY: Proposed amendment of OAR 735-010-0070 removes the option for a customer to submit a change of address using the Change of Address Notice for DMV Records.

CHANGES TO RULE:

735-010-0070

Submission of Change of Address and Update of DMV Records ¶

(1) DMV maintains a customer database that contains information on all DMV customers. A single notice of address change ~~will be~~ sufficient for a customer to comply with ORS 807.560 (address changes related to driver licensing), ORS 803.220 (address changes related to titling and registering vehicles) and ORS 807.420 (address changes related to identification cards), as long as DMV is provided with sufficient information to identify the customer.¶

(2) DMV ~~will accept~~ a notice of a change of address:¶

(a) In ~~writing by mail, facsimile or at a drop box in a DMV field office, in the form of a C~~person at a DMV field

office.¶

~~(b) Electronically as set forth in OAR 735-018-0100; or¶~~

~~(c) By telephone.¶~~

~~(3) DMV accepts a notice of change of Address Notice for DMV Records (DMV Form 735-6438) or any other written form; for any person whose address is protected by law:¶~~

~~(a) In writing by mail; or¶~~

~~(b) Any method described in section (2) of this rule.¶~~

~~(b4) Electronically as set forth in OAR 735-018-0100; or¶~~

~~(c) In person at a DMV field office.¶~~

~~(3) DMV may accept an address change by telephone. An organization as defined in OAR 735-018-0010 may not notify DMV electronically of a change of address. The organization must submit a notice of change of address in writing.~~

Statutory/Other Authority: ~~ORS 184.616, 184.619, 803.220, 807.420; & 807.560~~

Statutes/Other Implemented: ~~ORS 803.220, 807.420; & 807.560~~

AMEND: 735-018-0100

RULE SUMMARY: Proposed amendment of OAR 735-018-0100 removes the option for a customer to submit a change of address using the Change of Address Notice for DMV Records.

CHANGES TO RULE:

735-018-0100

Notification of Change of Address by Electronic Means ¶

(1) Except as prohibited under section (2) of this rule, a person required to notify DMV of a change of address pursuant ORS 803.220, 807.420 or 807.560 and OAR 735-010-0070, may, ~~in lieu of submitting a hardcopy Change of Address Notice For DMV Records (DMV Form 735-6438),~~ notify DMV electronically of a change of address by submitting a notice of a change of address at DMV's website.¶

(2) An electronic notice of a change of address by an organization as defined in OAR 735-018-00310 is expressly prohibited.¶

(3) This rule does not apply to notice of a change of name or any other provision otherwise required by ORS 803.220, 807.420 or 807.560.¶

~~[ED. NOTE: Forms referenced are available from the agency.]~~

Statutory/Other Authority: ORS ~~184.616,~~ 184.619, 802.012, & 803.460

Statutes/Other Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420, & 807.560

AMEND: 735-062-0013

RULE SUMMARY: Amendment of OAR 735-062-0013, to comply with American Association of Motor Vehicle Administrators (AAMVA) mandatory data element standards for card design, DMV will now record a person's eye color on the driver license, driver permit or identification card.

CHANGES TO RULE:

735-062-0013

Physical Description on Driver License, Driver Permit or Identification Card ¶¶

(1) An applicant for a driver license, driver permit or identification card must ~~complete a section of the application that provides for height, weight, sex, hair color and eye color~~ provide the applicant's height, weight, sex, hair color and eye color to DMV when applying for a driver license, driver permit or identification card.¶¶

(2) DMV captures in its records an applicant's height, weight, hair color, eye color and sex. Hair color ~~and eye color~~ areis contained within DMV records but does not appear on the driver license, driver permit or identification card.¶¶

(3) As required by ORS 807.110(1)(b), for purposes of identification, a brief description of the person to whom the driver license, driver permit or identification card is issued will appear on the front of the card. Those descriptors are:¶¶

(a) Height shown in feet and inches;¶¶

(b) Weight shown in pounds; and¶¶

(c) Sex shown as "M" for male, "F" for female or "X" for not-specified.¶¶

(4) Upon renewal or replacement, an applicant who wishes to change an identifier shown on the driver license, driver permit or identification card or contained in DMV records, must ~~make the change on~~ complete the application ~~and indicate with the desire to~~ change the specified informations. An applicant must meet any other applicable requirement and pay any required fee for the renewal or replacement of a driver license, driver permit or identification card.

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

Statutes/Other Implemented: ORS 802.200, 807.050, 807.110, 807.150, 807.160, 807.280, & 807.400

AMEND: 735-062-0135

RULE SUMMARY: Amendment of OAR 735-062-0135 consists of terminology amendments to align with statutory language.

CHANGES TO RULE:

735-062-0135

Voluntary Surrender of Driving Privileges ¶

A person may surrender all or part of the driving privileges granted to that person by the State of Oregon, through ~~the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV)~~ DMV's Quit Driving Identification Card program. ¶

(1) To surrender all or part of a person's driving privileges, that person must sign a DMV form and must surrender to DMV any driver license or driver permit issued for the driving privilege. DMV will allow the person to surrender all driving privileges, or part of the driving privileges granted to that person under any class of driver license, endorsement or driver permit. ¶

(2) When driving privileges are surrendered, the driving privileges are immediately withdrawn and the person is no longer authorized to operate vehicles pursuant to those driving privileges. A person who surrenders all driving privileges may not exercise any driving privileges, except those granted by statute under ORS 807.020. A person who surrenders part of the person's driving privileges may exercise only those driving privileges retained. Operation of a vehicle on Oregon highways or premises open to the public without appropriate driving privileges is a violation of law under ORS 807.010. ¶

(3) In accordance with OAR 735-062-0010, DMV may issue an identification card to a person who has surrendered all driving privileges. ¶

(4) If the person surrenders all driving privileges and declares on DMV form 735-7206 that ~~the or she~~ person is no longer ~~able to safely operate~~ competent to drive a motor vehicle, DMV will rescind any suspension imposed under OAR 735-074-0140 or 735-076-0020. ¶

(5) A person may surrender only part of the driving privileges granted by DMV by canceling any endorsements or driver permits granted to the person. The person must specify those driving privileges the person seeks to surrender. A person who surrenders an endorsement must pay the renewal or replacement license fee for issuance of a license that reflects the driving privileges the person retains. ¶

(6) Surrender of driving privileges means the driving privileges are canceled as defined in ORS 801.175(2). When a voluntary surrender of driving privileges is accepted, DMV will cancel driving privileges without providing further notice or an opportunity for hearing to the person. The person's driving record will show that the driving privileges have been surrendered. ¶

(7) A person who seeks to regain surrendered driving privileges must reapply for the privileges and establish eligibility and qualification as provided by law, including payment of all required fees.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010; & 809.419

Statutes/Other Implemented: ORS 802.010(1)(c); & 809.419

AMEND: 735-070-0035

RULE SUMMARY: DMV is amending the language to align with new terminology used by the department as a result of its new computer system.

CHANGES TO RULE:

735-070-0035

Effect of Commercial Driver License Suspending Privilege Withdrawal on Non-Class C Driver License - Commercial Driving Privileges ¶

~~(1) ADMV may withdraw a person's commercial motor vehicle driving privileges may be suspended without affecting the person's privileges to operate vehicles which may be operated with a Class C driver licensewithout withdrawing the person's non-commercial driving privileges¶~~

~~(2) DMV may not issue a hardship permit to operate a commercial motor vehicle.¶~~

~~(23) When DMV withdraws a person's commercial driver license is suspended independently of the Class C license, the person may not be issued a hardship permit to operate commercial motor vehicles.¶~~

~~(3) When aing privileges without withdrawing a person's non-commercial driving privileges, the person shall surrender the person's commercial driver license is suspended independently of the Class C license, the person shall surrendeand apply for a Class C driver license.¶~~

~~(4) For the purpose of this rule, "withdraw" or "withdrawal" means cancellation, suspension, revocation, or hdis-er her commercial driver licensqualification of commercial driving privileges by this state for a Class C driver license by another jurisdiction.~~

Statutory/Other Authority: ORS 184.619, 802.010, 802.200, 807 & Ch. 636, OL 1989

Statutes/Other Implemented: ORS 809.240 & ~~751~~, Ch. 636, OL 1989, 49 CFR 384.210

REPEAL: 735-070-0040

RULE SUMMARY: Repeal

CHANGES TO RULE:

~~735-070-0040~~

~~Definition of Address as Shown by Driver Licensing Records of the Department~~

~~(1) "Address as shown by driver licensing records of the department," as used in ORS 809.430 relating to mailing of notice, is defined as the address contained in the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV)'s computerized customer file.¶~~

~~(2) When a person's Oregon license, permit or identification card is expired, suspended, revoked or has not been issued, this address shall be the address shown on the computerized customer file, except when the suspension or revocation is pursuant to ORS 809.410(1) through (8) and 813.400. In this case, the address of record shall be the address contained on the source document that initiated the suspension or revocation unless the customer file shows a change of address processed after the address was recorded on the source document.~~

~~Statutory/Other Authority: ORS 184.616~~

~~Statutes/Other Implemented: ORS 809.430~~