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DMV 34-2020

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-001-0062, 735-062-0001, 735-062-0002, 735-062-0005, 735-062-0007, 735-062-0010, 735-062-0014, 735-062-0015, 735-062-0020, 735-062-0030, 735-062-0032, 735-062-0033, 735-062-0090, 735-062-0110, 735-062-0120, 735-062-0125, 735-063-0200, 735-063-0250, 735-063-0265, 735-064-0040, 735-070-0010

AMEND: 735-001-0062

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed the requirement of proof of citizenship, changed the term "inmate" to "adult in custody" to align with changes to Oregon Department of Corrections' statutes and practices, added language that authorizes an adult in custody to provide a written statement that the person has not been assigned a SSN, aligned the rule with other DMV rules and only use photos that are not older than nine years old when issuing a renewal or replacement driver license or identification card with the applicant's previous photo on file.

CHANGES TO RULE:

735-001-0062

DMV/DOC Program for an ~~Inmate~~ Adult in Custody Obtaining a Driver License or Identification Card Prior to Release ¶¶

(1) The Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV) and the Oregon Department of Corrections (DOC) have established, through interagency agreement, the following program to help an ~~inmate~~ adult in custody obtain a driver license or identification card prior to the ~~inmate~~ adult in custody's release from custody.¶¶

(2) For purposes of this rule, the term "~~inmate~~ adult in custody" means any person under the supervision of the DOC and who is not on parole, probation or post-prison supervision status.¶¶

(3) Notwithstanding OAR 735-062-0016, DMV may issue a renewal or replacement driver license or an identification card containing the last photograph of the ~~inmate~~ adult in custody on file with DMV. The photograph on file must not be older than nine years. DMV will issue as follows:¶¶

- (a) A replacement driver license to an inmate adult in custody whose driving privileges are valid or are reinstated at the time of issuance;¶
- (b) A renewal driver license to an inmate adult in custody whose driving privileges are valid or are reinstated at the time of issuance and whose driver license is within the allotted time for early renewal as described in OAR 735-062-0090(48) or has been expired for less than one year; or¶
- (c) An original, renewal or replacement identification card to an inmate adult in custody:¶
- (A) Who is not eligible for driving privileges under sections (4), (7) or (8) of this rule;¶
- (B) Whose previous driver license has been expired for more than one year;¶
- (C) Whose driving privileges are suspended, revoked or cancelled; or¶
- (D) Who has never been issued or does not currently qualify for a driver license under ORS 807.040.¶
- (4) DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System and the State Pointer Exchange Service to determine if the inmate adult in custody's driving privileges are suspended, revoked, cancelled or otherwise not valid in any other jurisdiction. An inmate adult in custody whose driving privileges are not valid in any other jurisdiction is not eligible to replace or renew driving privileges in Oregon.¶
- (5) DOC may complete an application packet for each eligible inmate adult in custody within 180 days prior to the inmate adult in custody's date of release from DOC custody. The application packet must include:¶
- (a) A completed Valid with Previous Photo DL/ID Card (VWPP) Application, DMV Form 735-171C, signed by the inmate adult in custody. The application must include the inmate adult in custody's Social Security Number (SSN) or a written statement that the person has not been assigned a SSN. DMV must verify, or have previously verified, the SSN with the Social Security Administration, as required by OAR 735-062-0005;¶
- (b) Proof of legal name as required by OAR 735-062-0014;¶
- ~~(c) Proof of legal presence as required by OAR 735-062-0015 and the interagency agreement; and~~¶
- ~~(d) Proof of date of birth and identity as required under ORS 807.040(1)(k) by OAR 735-062-0020.~~¶
- (6) On the application DOC must certify:¶
- (a) That the copies of the documents submitted to meet the requirements of section (5) of this rule are true copies of the original documents and that the documents pertain to the inmate adult in custody for whom DOC is submitting the VWPP application; and¶
- (b) That the inmate adult in custody will be living in Oregon when released and the address provided on the application meets the requirements for residence or mailing address as outlined in the interagency agreement.¶
- (7) An inmate adult in custody is not eligible for driving privileges, under ORS 807.060(4) or (5), and DMV will not replace or renew a driver license, if on the VWPP Application the inmate adult in custody:¶
- (a) Answers yes to the question "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?";¶
- (b) Answers yes to the question "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?"; or¶
- (c) Answers yes to the question "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"¶
- (8) An inmate adult in custody who is eligible to renew their driving privileges, and is or will be 50 years of age or older at the time their driving privileges expire, must meet the requirements of OAR 735-062-0060. As the inmate adult in custody will not be at a DMV field office for the vision screening, DOC must provide a vision examination form, Certificate of Vision, DMV Form 735-24, completed by a licensed ophthalmologist or optometrist with the VWPP application. If no Certificate of Vision form is included or the inmate adult in custody does not meet the vision standards set forth in 735-062-0050, the inmate adult in custody is only eligible for an identification card.¶
- (9) When an inmate adult in custody's driving privileges are valid (not suspended, revoked, cancelled or expired more than one year) the inmate adult in custody must surrender driving privileges in order to be eligible for an identification card. A completed Surrender of Driving Privilege(s), DMV Form 735-7206, must be included with the VWPP application of any inmate adult in custody who is surrendering driving privileges. A person who surrenders driving privileges must pass all tests and pay all fees associated with an original driver license to regain driving privileges at a later date.¶

(10) DOC will pay the fee listed in ORS 807.370 or 807.410, as appropriate, for each ~~inmate~~ adult in custody issued a driver license or identification card in a manner outlined in the interagency agreement.¶

~~(11) When an inmate's driver license or identification card issued pursuant to this rule is renewed or replaced, the inmate must provide proof of citizenship or permanent legal residency as required by OAR 735-062-0015, unless DMV records show the person has previously provided such proof.~~

Statutory/Other Authority: ORS 184.619, 802.010, 802.087, 807.110

Statutes/Other Implemented: ORS 802.087

AMEND: 735-062-0001

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed references to rules that were repealed as a result of chapter 701, Oregon Laws 2019 (HB 2015).

CHANGES TO RULE:

735-062-0001

Purpose ¶

(1) The purpose of these chapter 735, division 62, rules is to establish the various requirements for the issuance, replacement or renewal of a Class C non-commercial driver license, driver permit or identification card.¶

(2) A Real ID or non-Real ID Class C non-commercial driver license is the base privilege a person must possess to be issued a commercial learner driver permit or Real ID or non-Real ID commercial driver license. Rules in chapter 735, division 63 establish requirements and processes that are specific to the granting of commercial driving privileges. These division 62 rules apply to the base privileges portion of a Real ID or non-Real ID commercial driver license or commercial learner driver permit, except where specified in chapter 735, division 63.¶

(3) A Real ID is issued to an applicant who meets federal issuance standards established by the Real ID Act of 2005, P.L. 109-13. These standards apply to proof of lawful status, identity, date of birth, SSN and residence address only. Except as otherwise specified in sections (4) and (5) of this rule or any rule within OAR chapter 735, division 62, all other rules in OAR 735, division 62, are applicable both to Real ID and non-Real ID driver licenses, permits and identification cards.¶

(4) The following rules in OAR 735, division 62, apply to Real ID only:¶

- (a) OAR 735-062-0006;¶
- (b) OAR 735-062-0008;¶
- (c) OAR 735-062-0011;¶
- (d) OAR 735-062-0022;¶
- (e) OAR 735-062-0023;¶
- (f) OAR 735-062-0031; and¶
- (g) OAR 735-062-0295;¶

(5) The following rules, unless otherwise specified in OAR 735, division 62, do not apply to Real ID issuances:¶

- (a) OAR 735-062-0005;¶
- (b) OAR 735-062-0007;¶
- (c) OAR 735-062-0010;¶
- (d) OAR 735-062-0014;¶
- (e) OAR 735-062-0015¶
- ~~(f) OAR 735-062-0030¶~~
- ~~(g) OAR 735-062-0032¶~~
- ~~(h) OAR 735-062-0033¶~~
- ~~(i) 30; and¶~~

(f) OAR 735-062-0120.

Statutory/Other Authority: ORS 184.619 & 802.010

Statutes/Other Implemented: ORS 807.455 & 6 CFR Part 37

AMEND: 735-062-0002

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed the definition of "legal presence."

CHANGES TO RULE:

735-062-0002

Definitions ¶¶

As used in these OAR 735, division 62, rules the following definitions apply:¶¶

- (1) "AAMVA" means the American Association of Motor Vehicle Administrators.¶¶
- (2) "Biometric data" means measurements of the physical characteristics of person's face that can be used to authenticate the identity of the person.¶¶
- (3) "CDLIS" means the Commercial Driver's License Information System operated by AAMVA for the Federal Motor Carrier Safety Administration.¶¶
- (4) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.¶¶
- (5) "First-time Real ID" means the first time DMV issues an Oregon Real ID to an applicant and may be issued as an original, renewal or replacement driver license, driver permit or identification card, depending on the privilege that the applicant possesses.-¶¶
- (6) "Lawful status," for the purpose of applying for a Real ID driver license, driver permit or identification card, has the meaning set forth in 6 CFR 237.3.-¶¶
- ~~(7) "Legal presence" or "legal presence in the United States" means that a person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States under federal immigration laws.¶¶~~
- ~~(8) "NDR" means National Driver Register, a division in the National Center for Statistics and Analysis under the National Highway Traffic Safety Administration.¶¶~~
- ~~(98) "PDPS" means the Problem Driver Pointer System, a database operated by NDR.¶¶~~
- ~~(109) "Real ID" has the meaning set forth in ORS 807.450, and is marked with the distinguishing feature of a star in the upper right corner.-¶¶~~
- ~~(110) "S2S" means State to State Verification Services operated by AAMVA.¶¶~~
- ~~(121) "SAVE" means Systemic Alien Verification for Entitlements program, administered by the United States Citizenship and Immigration Services, a component of the Department of Homeland Security.-¶¶~~
- ~~(132) "SPEXS" means the State Pointer Exchange Services, the platform that supports S2S and CDLIS.¶¶~~
- ~~(143) "SSA" means the Social Security Administration.¶¶~~
- ~~(154) "SSN" means Social Security number.¶¶~~
- ~~(165) "USPVS" means United States Passport Verification Services which allows licensing agencies to verify US Passport document data against the Department of Homeland Security's backend systems and is operated by AAMVA.~~

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.050, 807.450, 807.460-~~8~~, 6 CFR 237.3

Statutes/Other Implemented: ORS 801.163, 802.200, 807.021, 807.024, 807.050-~~8~~, 807.450

AMEND: 735-062-0005

REPEAL: Temporary 735-062-0005 from DMV 17-2020

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV changed the word "eligible" for a SSN to "assigned," removed the legal presence requirement, and removed reference to issuing a temporary applicant permit when it was required pending proof of SSN or legal presence.

CHANGES TO RULE:

735-062-0005

SSN - Requirements for Collection and Verification of SSN or ~~Proof of Ineligibility for a SSN~~ Statement No SSN Assigned ¶

~~(1) When a person~~ An applicant who is eligible for a SSN applies for any original, renewal or replacement ~~has been assigned a SSN is required to provide the SSN assigned to the applicant by SSA to DMV when applying for a driver license, driver permit or identification card, the person must provide his or her SSN on the application form.~~ ¶

~~(2) A person who,~~ ¶

(2) An applicant applying for any original, renewal or replacement non-Real ID non-commercial driver license or driver permit or identification card and claims to be ineligible for a SSN must provide proof that he or she is not eligible for a SSN. A person may prove his or her ineligibility for a SSN by presenting documents issued by the Department of Homeland Security or other federal agencies, which demonstrate that the person is not eligible to be assigned a SSN by the SSA. The person must also certify that he or she is ineligible for a SSN. ¶

~~(3) DMV will not accept proof of ineligibility for a SSN from any applicant who presents proof of being a citizen or lawful permanent resident of the United States or proof of being legally present with authorization for employment in the United States~~ who has not been assigned a SSN must provide a written statement that says the person has not been assigned a SSN. ¶

~~(4) When an applicant provides a SSN as required by section (1) of this rule, DMV will submit the SSN to the SSA for verification, unless the applicant is a citizen or permanent legal resident of the United States whose SSN was previously verified under this rule. An applicant's SSN is verified when SSA notifies DMV that the applicant's SSN, name and date of birth are confirmed by SSA's records.~~ ¶

~~(5) Notwithstanding section (4) of this rule, a SSN is not considered verified if the SSA notifies DMV that the SSN provided is inactive, invalid, impossible, not verifiable for other reasons or if there is a system error.~~ ¶

~~(6) Before issuing a temporary applicant permit as provided in OAR 735-062-0032 or 735-062-0033, DMV will require proof of the person's SSN if the SSN provided on the application is not verified as described in section (4) of this rule. Proof that the SSN is the one assigned to the person by the SSA may include, but is not limited to, one or more of the following documents:~~ ¶

~~(a) Social Security Card or other SSA documentation;~~ ¶

~~(b) Income tax form filed with the Internal Revenue Service or a state tax agency;~~ ¶

~~(c) Employment document;~~ ¶

~~(d) Military document (DD214); or~~ ¶

~~(e) Any document containing full SSN acceptable as proof of legal presence or identity and date of birth as listed in OAR 735-062-0015 or 735-062-0020.~~ ¶

~~(7) DMV will not issue, renew or replace any driver license, driver permit or identification card, except as provided in OAR 735-062-0032 and 735-062-0033, unless:~~ ¶

~~(a) The applicant has proved his or her legal presence in the United States as provided in OAR 735-062-0015, and DMV has verified the applicant's SSN as provided in section (3) of this rule; or~~ ¶

~~(b) If the applicant claims to be ineligible for a SSN, the applicant has proved his or her ineligibility for a SSN as provided in section (2) of this rule and his or her legal presence in the United States as provided in OAR 735-062-0015.~~

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010, 807.021, 807.050

Statutes/Other Implemented: ORS 802.200, 807.021, 807.022, 807.050

AMEND: 735-062-0007

REPEAL: Temporary 735-062-0007 from DMV 17-2020

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: Removed language requiring a person to provide proof of legal presence and added language requiring a person who is not assigned a SSN to provide a written statement of such. Changed the driver license expiration date for applicants who have a February 29 birthday from March 1 to February 28; only affects new issuances. Removed references to issuance of a limited term driver license or limited term driver permit that expires two years from date of issuance after providing proof of legal presence because applicants no longer have to prove legal presence. Removed references to Oregon Laws 2018, ch. 60, sec.3. Other changes for clarity.

CHANGES TO RULE:

735-062-0007

Driver Permits or Driver Licenses ¶¶

(1) ~~Before the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will issue a driver permit or driver license, the person applying for the driver permit or driver license must:~~¶¶

(a) Satisfy all requirements set forth in ORS 807.040 and 807.060(2)(a) if under the age of 18. For purposes of ORS 807.060 and this subsection:¶¶

(A) "Mother" means the biological or adoptive mother of the applicant, whose parental rights have not been terminated;¶¶

(B) "Father" means the biological or adoptive father of the applicant, whose parental rights have not been terminated; and¶¶

(C) "Legal guardian" means an individual, or the authorized representative of an entity, private or public institution or agency appointed as guardian of the applicant by a court having jurisdiction.¶¶

(b) Satisfy all requirements set forth in ORS 807.065 and 807.066 to receive a driver license (provisional) if under 18 years of age;¶¶

(c) Provide a verifiable SSN or ~~proof~~ a statement that the person ~~is not eligible for~~ has not been assigned a SSN as provided in OAR 735-062-0005;¶¶

(d) ~~Provide proof of legal presence as provided in OAR 735-062-0015;~~¶¶

(e) ~~Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016;~~¶¶

(f) ~~Provide proof of the person's identity and date of birth as provided in OAR 735-062-0020;~~¶¶

(g) ~~Provide proof of the person's residence address as provided in OAR 735-062-0030;~~¶¶

(h) ~~Provide proof, as provided in OAR 735-016-0070, that the person is domiciled in or a resident of Oregon;~~¶¶

(i) ~~Surrender all driver permits and, driver licenses and identification cards in the person's possession issued outside of Oregon.~~¶¶

(2) ~~A person applicant is not eligible for driving privileges under ORS 807.060(4) or (5) and DMV will not issue or renew driving privileges or replace a driver license or driver permit if on an the application not applying for driving privileges or a replacement license or permit a person:~~¶¶

(a) Answers yes to the question "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?" and the person is unable to pass a DMV vision screening;¶¶

(b) Answers yes to the question "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?";¶¶

(c) Answers yes to the question "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"¶¶

(3) ~~A person applicant~~ who is denied issuance or renewal of driving privileges or replacement of a driver license or driver permit under section (2) of this rule will be allowed to establish or reestablish eligibility by passing DMV

examinations under ORS 807.070, by getting a determination of eligibility from the Medical Determination Officer under 807.090 or both, as determined by DMV. The requirement may be waived if DMV determines the ~~application was complete~~safety questions under section (2)(a)-(c) of this rule were answered in error and the person applicant is eligible for driving privileges.¶

(4) ~~Upon receipt of an application~~Once an applicant has applied for a 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)~~NDR/PDPS and SPEXS to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶

(5) DMV may require the applicant to provide a clearance letter in compliance with OAR 735-062-0160, indicating the applicant has valid driving privileges from any jurisdiction in which an inquiry ~~with the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS)~~to NDR/PDPS and SPEXS indicates the applicant's driving privilege is not fully valid.¶

(6) DMV will not issue driving privileges to a ~~person until his or her~~applicant until the applicant's driving privilege ~~is~~are reinstated in all jurisdictions, unless the only remaining reinstatement requirement in the other jurisdiction is proof of financial responsibility. Nothing in this section prohibits DMV from issuing a regular Class C driver license to a ~~person whose CDL~~applicant whose commercial driving privileges are not valid as long as the ~~person~~applicant's regular Class C or equivalent driving privileges are valid.¶

(7) DMV will not issue a driver license or driver permit to a ~~person~~applicant with a current, valid Oregon identification card (ID card). To become eligible, the ~~person~~applicant must surrender the ID card before DMV may issue the Oregon driver license or driver permit. If the person's ID card is lost or destroyed, the person must make a statement that the card is lost or destroyed and that it will be returned to DMV if found.¶

(8) A driver license issued to a ~~person~~applicant with a February 29 birth-date expires:¶

(a) On February 29 if the expiration year is a leap year; or¶

(b) On ~~March 1~~February 28 if the expiration year is not a leap year.¶

(9) After determining that an applicant has met all requirements under this rule, DMV will issue the license or driver permit and mail it to the address provided by the applicant at the time of the application.¶

~~(10) After determining that an applicant has met all requirements under this rule and in Or Laws 2018, chapter 60, section 3, DMV will issue to the applicant a limited term driver license or limited term driver permit that expires two years from the date of issuance and mail it to the address provided by the applicant at the time of application.¶~~

~~(11) After determining that an applicant has met all requirements under this rule and has provided proof of legal presence in the United States on a temporary basis, as described in OAR 735-062-0015(5), DMV will issue a limited term driver license or limited term driver permit and mail it to the address provided by the applicant at the time of the application. The expiration date of a limited term driver license or limited term driver permit is as described in ORS 807.130(3).¶~~

~~(12) DMV will issue a person who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of legal presence as set forth in OAR 735-062-0015(4)(a), a driver license with an expiration date as described in ORS 807.130(1) or (2).~~

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.040, 807.050, 807.060, 807.120, 809.310, 807.050, ~~Or laws~~ 2018, ch. 60, sec. 3

Statutes/Other Implemented: ORS 807.021, 807.040, 807.060, 807.066, 807.130, ~~Or laws~~ 2018, ch. 60, sec. 3

AMEND: 735-062-0010

REPEAL: Temporary 735-062-0010 from DMV 17-2020

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: Removed language requiring a person to provide proof of legal presence and added language requiring a person who is not assigned a SSN to provide a written statement of such. Clarified that an applicant must surrender a driver license, driver permit, or identification card issued by another jurisdiction or provide a statement before an identification card will be issued. Added language that states DMV will make an inquiry to SPEXS to determine if the applicant currently holds a credential from another jurisdiction. Changed the identification card expiration date for applicants who have a February 29 birthday from March 1 to February 28; only affects new issuances. Removed references to issuance of a limited term driver license or limited term driver permit that expires two years from date of issuance after providing proof of legal presence because applicants no longer have to prove legal presence. Removed references to Oregon Laws 2018, ch. 60, sec.3. Added a rule that states DMV will not require an applicant applying for a Quit Driving Identification Card to submit to the collection of biometric data. Other changes for clarity.

CHANGES TO RULE:

735-062-0010

Identification Cards

(1) Pursuant to ORS 807.400 and as provided in this rule, DMV will issue an identification card to a person who does not have a valid driver license.¶

(2) ~~A person~~ an applicant applying for an identification card must:¶

(a) Satisfy all identification card requirements set forth in ORS 807.400 and 807.410, except as described under section (7) of this rule;¶

(b) Provide a verifiable SSN ~~or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005;~~¶

~~(c) Provide proof of legal presence as provided in OAR 735-062-0015;~~¶

~~(d) assigned to the applicant or a written statement that the applicant has not been assigned a SSN as provided in OAR 735-062-0005;~~¶

(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;¶

(ed) Provide proof of the person's identity and date of birth as provided in OAR 735-062-0020; and¶

~~(fe) Provide proof of the person's residence address as provided in OAR 735-016-0070 and 735-062-0030.~~¶

(3) Identification cards issued to persons for whom DMV has created an Oregon driving record will reflect the same number as that on the existing record.¶

(4) An applicant in possession of a driver license or identification card issued by another jurisdiction must surrender that driver license or identification card to DMV before an identification card will be issued. The person must provide a statement to DMV if the person's license is lost, destroyed or the person no longer has the license in ~~his or her~~ the applicant's possession, and must agree that the license will be surrendered to DMV if found.¶

~~(5) Applicants for an identification card must personally apply at a DMV office to receive an identification card.~~¶

~~(6) Once an applicant has applied for an identification card, DMV will make an inquiry to SPEXS to determine if the applicant currently holds a driver license or identification card in another jurisdiction.~~ (5) All identification cards must include a photograph of the cardholder.¶

~~(7) DMV will waive the fee requirements set forth in ORS 807.410 for those persons applying for an identification card when:~~¶

(a) The person voluntarily surrenders an Oregon license or driver permit to DMV based upon the person's recognition that the person is no longer competent to drive; or¶

(b) The person's driving privileges are suspended under ORS 809.419(1) and the person voluntarily surrenders the person's license or driver permit to DMV.¶

(87) An identification card issued to a person with a February 29 birth-date expires:¶

(a) On February 29 if the expiration year is a leap year; or¶

(b) On ~~March 1~~February 28 if the expiration year is not a leap year.¶

(98) After determining that an applicant has met all requirements under this rule, DMV will issue the identification card and mail it to the address provided by the applicant at the time of application.¶

~~(10) After determining that an applicant has met all requirements under this rule and in Or Laws 2018, chapter 60, section 3, DMV will issue to the applicant a limited term identification card that expires two years from the date of issuance and mail it to the address provided by the applicant at the time of application.¶~~

~~(11) After determining that an applicant has met all requirements under this rule and has provided proof of legal presence in the United States on a temporary basis, as described in OAR 735-062-0015(5), DMV will issue a limited term identification card and mail it to the address provided by the applicant at the time of the application. The expiration date of a limited term driver license or limited term driver permit is as described in ORS 807.130(3).¶~~

~~(12) DMV will issue a person who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of legal presence as specified in OAR 735-062-0015(4)(a) an identification card with an expiration date as described in ORS 807.400(8)¶~~DMV may renew an identification card as provided in OAR 735-062-0090 or may do so using a previous photograph only as provided 735-062-0125.¶

~~(130) DMV may renew~~replace an identification card as provided in OAR 735-062-009110 or may do so using a previous photograph only as provided 735-062-0125.¶

~~(141) DMV may replace an i~~Notwithstanding subsection (2)(c) of this rule, an applicant applying for a Quit Driving Identification eCard as provided~~described in OAR 735-062-0140 or may do so using a previous photograph only as provided~~35 is not required to submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0425~~016.~~

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.040, 807.050, 807.400, ~~Or Laws 2018, ch. 60, sec. 3~~

Statutes/Other Implemented: ORS 807.021, 807.022, 807.130, 807.400, ~~Or Laws 2018, ch. 60, sec. 3~~

AMEND: 735-062-0014

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed language referencing documents used to prove legal presence.

CHANGES TO RULE:

735-062-0014

Proof of Legal Name ¶¶

~~(1) If the applicant's current legal name is different from the name in the document submitted to prove legal presence pursuant to OAR 735-062-0015, the applicant must provide proof of the applicant's current legal name sufficient to establish that he or she is the same person named in the document submitted as proof of legal presence.~~
An applicant must provide proof of the applicant's current legal name. ¶¶

(2) There must be sufficient connection between information shown on the ~~legal presence~~identity document and the proof of the applicant's current legal name for DMV to determine that the applicant is the person named in the ~~legal presence~~identity document. Examples of connecting information include first name, middle name or middle initial, previous surnames used, date of birth, place of birth, social security number or mother's maiden name. ¶¶

(3) DMV may accept an identity document listed in OAR 735-062-0020 as proof of the applicant's current legal name. ¶¶

~~(4) DMV may use the applicant's DMV record to help establish a connection between the identity document and the document used to establish legal presence.~~ ¶¶

(5) If the applicant's proof of legal name does not establish the applicant is the same person named in the document submitted as proof of ~~legal presence~~, or the applicant's ~~identity document~~identity or DMV records do not show the person's current legal name, the applicant must provide documentary proof of a legal name change. Documentary proof of an applicant's legal name change may include, but is not limited to: an official government-issued marriage document, a divorce decree, a certificate of registered domestic partnership, a judgment of dissolution or annulment of marriage or domestic partnership, an adoption decree, and a court decree, order or judgment legally changing the applicant's name.

Statutory/Other Authority: ~~ORS 184.616, 184.619, 802.010 & OL 2008, Ch 1~~

Statutes/Other Implemented: ~~OL 2008, Ch 1~~ RS 802.260, 807.050, 807.110, 807.400, 807.455

REPEAL: 735-062-0015

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has repealed this rule because it described proof of citizenship or legal presence requirements.

CHANGES TO RULE:

~~735-062-0015~~

~~Proof of Legal Presence~~

~~(1) Except as provided in OAR 735-062-0032 and 735-062-0033 and Or Laws 2018, chapter 60, section 3, a person who applies for any original, renewal or replacement driver permit, driver license, or identification card must provide valid documentary proof that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with federal immigration laws, unless the person's DMV record shows DMV has previously verified the person's SSN and shows that the person is a citizen or permanent legal resident of the United States. The documents provided must be either original or certified copies; photocopies are not acceptable.~~

~~(2) Documents acceptable as proof of U.S. citizenship include, but are not limited to:~~

~~(a) A birth certificate issued by a U.S. Territorial government, the District of Columbia or the government of a state or political subdivision of a state of the United States. DMV will not accept a hospital-issued birth certificate, hospital card or birth registration or baptismal certificate.~~

~~(b) U.S. Consular Report of Birth Abroad (FS-240).~~

~~(c) U.S. government-issued Certification of Report of Birth (DS-1350 or FS-545).~~

~~(d) Request for Verification of Birth (DD372).~~

~~(e) United States passport, not expired more than five years.~~

~~(f) United States passport card, not expired more than five years.~~

~~(g) U.S. Territory passport, not expired more than five years.~~

~~(h) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation, if DMV determines:~~

~~(A) The procedures used in issuing the card are sufficient to prove that a member is a citizen or permanent resident of the United States; and~~

~~(B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.~~

~~(i) Certificate of Citizenship (N560 and N561).~~

~~(j) Certificate of Naturalization (N550, N570 and N578).~~

~~(k) U.S. Citizen Identification Card (I-197 and I-179).~~

~~(3) Documents acceptable as proof of permanent legal residence in the U.S include, but are not limited to: Resident Alien card; Permanent Resident card (I-551); or a Permit to Re-Enter (I-327).~~

~~(4) Proof of legal presence in the United States for:~~

~~(a) A citizen of a nation with a Compact of Free Association is a valid passport or a passport not expired more than five years issued by the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) or the Republic of Palau.~~

~~(b) An American Indian born in Canada is documentation sufficient to meet the requirements for entry into the United States under 8 USC § 1359.~~

~~(5) Documents acceptable as proof that a person is not a citizen or permanent legal resident of the United States but is legally present in the United States on a temporary basis include, but are not limited to:~~

~~(a) Arrival/Departure Record (I-94 or CBP I-94A), current admittance stamp, or a valid I-797A Notice of Action issued by the Department of Homeland Security or Custom and Border Protection presented with or within a valid unexpired foreign passport.~~

~~(b) Temporary Resident ID card (I-688);~~

~~(c) Employment Authorization card (I-766);~~

~~(d) Refugee Travel Document Form I-571; or~~

(e) Arrival/Departure Record (I-94 or CBP I-94) stamped admitted as a Refugee, Asylee, Asylum, Parole, Parolee, or Paroled for an indefinite period presented with acceptable proof of identity as defined in OAR 735-062-0020.¶

(6) DMV will not accept any document issued by the United States Immigration and Customs Enforcement Agency containing the statement:¶

(a) Under Docket Control;¶

(b) Under the Order of Supervision; or¶

(c) Notice of Immigration Bond Cancelled.¶

(7) DMV will not accept as the proof required by sections (3) and (5) of this rule a document that is not verified through the Systematic Alien Verification for Entitlements (SAVE) system.¶

(8) Notwithstanding section (7) of this rule, DMV may accept a document described in section (5) of this rule that is not verified through the SAVE system if the document is presented for the replacement of a limited term driver license, limited term driver permit, or limited term identification card under OAR 735-062-0110.¶

(9) DMV will not accept any document as proof of legal presence in the United States that is:¶

(a) Stamped cancelled;¶

(b) Hole-punched;¶

(c) Marked with clipped corners;¶

(d) Altered; or¶

(e) Amended, unless the amendments were completed by the issuing authority.¶

(10) An applicant who must obtain a document in order to provide proof of legal presence may apply for an applicant temporary driver permit as described in OAR 735-062-0032 that will provide driving privileges for a limited time or an applicant temporary identification card as described in 735-062-0033.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.022, Or Laws 2018, ch. 60, sec. 3

Statutes/Other Implemented: ORS 807.021, 807.022, Or Laws 2018, ch. 60, sec. 3

AMEND: 735-062-0020

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed language referencing documents used to prove legal presence and added documents that provide proof of identity and date of birth.

CHANGES TO RULE:

735-062-0020

Proof of Identity and Date of Birth Requirements ¶¶

(1) A person who applies for an original, renewal or replacement driver permit, driver license, or identification card must provide valid documentary proof of the person's identity and date of birth prior to the issuance of such driver permit, driver license, or identification card. Documents must be original or certified copies.¶¶

(2) Except as provided in section (3) of this rule, an applicant must present at least one document listed in Subsection (a) through (aa). The documents acceptable as proof of identity and date of birth include, but are not limited to:¶¶

~~(a) Any document that provides proof of legal presence as provided in OAR 735-062-0015~~ birth certificate issued by a U.S. Territorial government, the District of Columbia or the government of a state or political subdivision of a state of the United States. DMV will not accept a hospital-issued birth certificate, hospital card or birth registration or baptismal certificate.¶¶

~~(b) A birth certificate issued by the Canadian Government.~~¶¶

~~(c) U.S. Consular Report of Birth Abroad (FS-240).~~¶¶

~~(bd) U.S. Military documents including: government-issued Certification of Report of Birth (DS-1350 or FS-545).~~¶¶

~~(e) Request for Verification of Birth (DD372).~~¶¶

~~(Af) Military or Armed Forces ID card; or United States passport, not expired more than five years.~~¶¶

~~(Bg) Military Common Access Card; or United States passport card, not expired more than five years.~~¶¶

~~(Ch) U.S. Uniform Services ID and Privileges card (DD1173 and DD1173-1) Territory passport, not expired more than five years.~~¶¶

~~(ei) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation, if DMV determines:~~¶¶

~~(A) The procedures used in issuing the card are sufficient to prove a member's identity and date of birth; and~~¶¶

~~(B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.~~¶¶

~~(d) Canadian Government Issued Birth Certificate;~~¶¶

~~(ej) Foreign passport containing English or with English translation, not expired more than five years.~~¶¶

~~(k) Certificate of Citizenship (N560 and N561).~~¶¶

~~(L) Certificate of Naturalization (N550, N570 and N578).~~¶¶

~~(m) U.S. immigration or naturalization documents, not expired more than five years, including:~~¶¶

~~(A) U.S. Citizen Identification card (I-179 and I-197);~~¶¶

~~(B) Resident Alien card or Permanent Resident card (I-551);~~¶¶

~~(C) Temporary Resident Identification card (I-688);~~¶¶

~~(D) Re-entry Permit Form I-327;~~¶¶

~~(E) Refugee Travel Document Form I-571; or~~¶¶

~~(F) Employment Authorization Document (I-688A, I-688B and I-766).~~¶¶

~~(n) U.S. Military documents:~~¶¶

~~(A) Military or Armed Forces ID card;~~¶¶

~~(B) Military Common Access Card; or~~¶¶

~~(C) U.S. Uniform Services ID and Privileges card (DD1173 and DD1173-1).~~¶¶

~~(o) Out-of-state, District of Columbia, U.S. Territorial government or Canadian driver license, instruction permit or identification card, that contains the applicant's photograph, not expired more than one year unless hole-punched~~

or marked "Not Valid as ID."

~~(fp)~~ Oregon driver license, instruction permit, or identification card, not expired more than ~~one~~thirteen years. For the purposes of this subsection, DMV will not accept a driver license or identification card that was issued without a photograph, or issued with a previous photograph as described in OAR 735-062-0125.

~~(gq)~~ Non-immigrant visa issued by the U.S. Department of State, not expired more than five years.

~~(r)~~ Temporary immigrant visa (I-551) issued by the U.S. Department of State, not expired more than five years.

~~(s)~~ U.S. Department of State driver license or Non-driver ID card not expired more than ~~one~~five years.

~~(ht)~~ Oregon Concealed Weapon Permit/Concealed Handgun License, not expired more than ~~one~~five years.

~~(u)~~ Social Security Card or Individual Taxpayer Identification Number (ITIN) issuance letter from the Internal Revenue Service (IRS).

~~(v)~~ A Consulate Identification card, not expired more than five years if:

~~(A)~~ DMV determines the procedures used in issuing the card are reasonably equivalent to DMV standards for verification of a person's date of birth and identity; and

~~(B)~~ The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.

~~(w)~~ A letter verifying identity provided by an Oregon County Community Corrections agency if:

~~(A)~~ DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

~~(B)~~ The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

~~(jx)~~ A letter verifying identity provided by the U.S. Pretrial Services if:

~~(A)~~ DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

~~(B)~~ The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

~~(ky)~~ A letter verifying identity provided by the Oregon Youth Authority Agency if:

~~(A)~~ DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's ~~age~~date of birth and identity; and

~~(B)~~ The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

~~(lz)~~ A letter verifying identity provided by a U.S. District Court Probation Office if:

~~(A)~~ DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's ~~age~~date of birth and identity; and

~~(B)~~ The letter contains security features that are sufficient to prevent alteration or counterfeiting of the letter.

~~(maa)~~ Oregon Department of Correction Release Identification card, issued after April 30, 2005.

~~(n)~~ The applicant's DMV record, including the applicant's digital photo, if the applicant has previously been issued an Oregon driver license, driver permit or identification card.

~~(33)~~ Applicants who are unable to present one of the proofs of identity and date of birth listed in section (2) of this rule may meet the identity and date of birth requirement by:

~~(a)~~ Presenting one document listed in subsection (b) of this section if the applicant's most recent photograph retained by DMV under ORS 807.115 is not more than thirteen years old; or

~~(b)~~ Presenting at least two documents listed in this subsection:

~~(A)~~ U.S. Military discharge papers.

~~(B)~~ An Oregon student body card.

~~(C)~~ U.S. or Foreign certified school records.

~~(D)~~ An Oregon job Corps identification card.

~~(E)~~ A W-2 or 1099 tax form for the current tax year.

~~(F)~~ A Medicare card.

~~(G)~~ A court document issued by a court in the U.S. that shows the applicant is a party to the judicial proceeding and which contains court signatures and seals. Acceptable documents are:

~~(i)~~ Gender, name change, or both;

~~(ii)~~ Adoption, guardianship, custody or child support;

(iii) Judgement of dissolution or annulment of marriage.

(H) A court document issued by a U.S. Bankruptcy court that shows the applicant is a party to a bankruptcy proceeding.

(I) U.S. Government issued marriage license, domestic partnership, or Certificate of Record of Marriage.

(J) Border Crossing cards (DSP-150, I-185, I-186 and I-586).

(K) A birth certificate, marriage license, driver license, military ID card, passport or voter card issued by a foreign government. A DMV employee may accept a foreign document that does not include English if the employee is able to understand the information in the document that relates to the person's identity and is satisfied the document was validly issued.

(L) Social Security Card transmittal document (stub).

(M) A benefits letter issued by the Social Security Administration.

(N) Veteran's Universal Access Identification Card.

(O) A letter issued by the Oregon Health Plan, if dated within the last year.

(P) Merchant Marine Identification card.

(Q) U.S. Tribal Identification card.

(R) Identification cards that contain a photograph of the applicant issued by a government within the U.S. or the U.S. government.

(4) A person who is renewing or replacing a driver license, driver permit or identification card issued pursuant to OAR 735-062-0125 must provide an original or certified copy of one of the following documents as proof of identity and date of birth:

(a) A birth certificate issued by a U.S. Territorial government, the District of Columbia or the government of a state or political subdivision of a state of the United States. DMV will not accept a hospital-issued birth certificate, hospital card or birth registration or baptismal certificate.

(b) U.S. Consular Report of Birth Abroad (FS-240).

(c) U.S. government-issued Certification of Report of Birth (DS-1350 or FS-545).

(d) Request for Verification of Birth (DD372).

(e) United States passport, not expired more than five years.

(f) United States passport card, not expired more than five years.

(g) U.S. Territory passport, not expired more than five years.

(h) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation, if DMV determines:

(A) The procedures used in issuing the card are sufficient to prove that a member is a citizen or permanent resident of the United States; and

(B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.

(i) Certificate of Citizenship (N560 and N561).

(j) Certificate of Naturalization (N550, N570 and N578).

(k) U.S. Citizen Identification Card (I-197 and I-179).

(L) Resident Alien card.

(m) Permanent Resident card (I-551).

(n) Permit to Re-Enter (I327).

(45) DMV will not accept a document as proof of identity and date of birth if DMV has reason to believe the document is not valid. DMV may request an applicant for a driver permit, driver license, or identification card to present additional documentary proof of identity and date of birth if the document presented does not establish the applicant's identity or date of birth to the satisfaction of DMV.

Statutory/Other Authority: ORS ~~184.616, 184.619~~, 802.010, 807.040, 807.050, 807.150, 807.400

Statutes/Other Implemented: ORS 807.040, 807.050, 807.062, 807.150, 807.160, 807.220, 807.230, 807.280

AMEND: 735-062-0030

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed references requiring proof of legal presence and references to 735-062-0015, which is repealed.

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 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 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 184.619, 802.010, 807.050, 807.150, 807.400

Statutes/Other Implemented: ORS 807.110, 807.160, 807.400

REPEAL: 735-062-0032

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has repealed this rule because it applied to temporary driver permits for an applicant who is unable to provide proof of Social Security number or legal presence.

CHANGES TO RULE:

~~735-062-0032~~

~~Applicant Temporary Driver Permit Issued to Applicants Unable to Provide SSN and Legal Presence Documentation~~

~~(1) When an applicant for a Class C non-commercial driver license or driver permit does not provide a verifiable SSN but is able to present the documentation required by OAR 735-062-0005(4) to prove a SSN is assigned to the applicant, or certifies but fails to present documentation of ineligibility for a SSN, or is unable to present the documentation required by 735-062-0015 to prove legal presence, DMV may issue an applicant temporary driver permit to the applicant if:~~

~~(a) The applicant is otherwise eligible and complied with all other requirements for a driver license or driver permit, including the requirements for proof of identity and date of birth under OAR 735-062-0020;~~

~~(b) The applicant certifies that to the best of his or her knowledge, the applicant is legally present in the United States; and~~

~~(c) DMV has not issued an applicant temporary driver permit to the applicant under this rule before, and the applicant so certifies.~~

~~(2) A holder of an applicant temporary driver permit issued under this rule must have the permit on his or her person while operating a motor vehicle. The applicant temporary driver permit will indicate the class of license granted and any endorsements granted and will list any restrictions placed on the driving privileges.~~

~~(3) An applicant temporary driver permit issued under this rule is valid for 90 days from the date of issuance, or until the applicant is able to provide to DMV the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of a driver license or driver permit, whichever is sooner.~~

~~(4) DMV may extend the term of the applicant temporary driver permit up to two times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.~~

~~(5) Notwithstanding sections (3) and (4) of this rule, DMV may extend the term of the applicant temporary driver permit if the applicant presents proof the applicant has taken reasonable steps to obtain a verifiable SSN or the documentation required under OAR 735-062-0005 showing ineligibility, or taken reasonable steps to obtain the documentation required under OAR 735-062-0015, but has been unable to do so due to circumstances beyond the applicant's control. Any extension of an applicant temporary driver permit issued under this section will be for a term of 90 days.~~

~~(6) An applicant temporary driver permit issued under this rule automatically becomes invalid if the applicant's driver license or driver permit is issued, the permit expires and is not extended, or if the applicant's driving privileges or right to apply for driving privileges are suspended, revoked or cancelled. If and when the applicant's driver license or driver permit is issued or driving privileges are suspended, revoked or cancelled, the applicant must surrender to DMV his or her applicant temporary driver permit.~~

~~Statutory/Other Authority: ORS 184.616, 184.619, 802.010, 807.310~~

~~Statutes/Other Implemented: ORS 807.310~~

REPEAL: 735-062-0033

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has repealed this rule because it applied to temporary identification cards for an applicant who is unable to provide proof of Social Security number or legal presence.

CHANGES TO RULE:

~~735-062-0033~~

~~Applicant Temporary Identification Cards Issued to Applicants Unable to Provide SSN and Legal Presence Documentation~~

~~(1) When an applicant for an identification card does not provide a verifiable SSN but is able to present the documentation required by OAR 735-062-0005(4) to prove a SSN is assigned to the applicant, or certifies but fails to present documentation of ineligibility for a SSN, or is unable to present the documentation required by 735-062-0015 to prove legal presence, DMV may issue an applicant temporary identification card to the applicant, if:~~

~~(a) The applicant is otherwise eligible and has complied with all other requirements for an identification card, including the requirements for proof of identity and date of birth under OAR 735-062-0020;~~

~~(b) The applicant certifies that, to the best of his or her knowledge, the applicant is legally present in the United States; and~~

~~(c) DMV has not issued an applicant temporary identification card to the applicant under this rule before, and the applicant so certifies.~~

~~(2) An applicant temporary identification card issued under this rule is valid for 90 days from the date of issuance, or until the applicant is able to provide to DMV the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of an identification card, whichever is sooner.~~

~~(3) DMV may extend the term of the applicant temporary identification card up to two times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.~~

~~(4) Notwithstanding sections (2) and (3) of this rule, DMV may extend the term of the applicant temporary identification card if the applicant presents proof the applicant has taken reasonable steps to obtain a verifiable SSN or the documentation required under OAR 735-062-0005 showing ineligibility, or taken reasonable steps to obtain the documentation required under OAR 735-062-0015, but has been unable to do so due to circumstances beyond the applicant's control. Any extension of an applicant temporary identification card issued under this section will be for a term of 90 days.~~

~~(5) An applicant temporary identification card issued under this rule automatically becomes invalid if the applicant's identification card is issued, the applicant temporary identification card expires and is not extended, or DMV suspends or cancels the applicant temporary identification card or right to apply for an identification card. The applicant must surrender to DMV the applicant temporary identification card if and when the applicant's identification card is issued or if it is suspended, revoked or cancelled.~~

~~Statutory/Other Authority: ORS 184.616, 184.619, 802.010, 807.405~~

~~Statutes/Other Implemented: ORS 807.405~~

AMEND: 735-062-0090

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed language requiring a person to provide proof of legal presence and added language requiring a person who has not been assigned a SSN to provide a written statement of such; removed references to limited term non-Real ID applicants and issuance based upon temporary legal presence; and removed references to OL 2018, ch. 60, section 3 because that section will be repealed on December 31, 2020, by OL 2019, ch. 701, section 23.

CHANGES TO RULE:

735-062-0090

Renewal Driver Licenses and Identification Cards ¶¶

(1) DMV will renew the driver license of an applicant who satisfies the requirements set forth in ORS 807.150.¶¶

(2) An applicant for the renewal of a driver license or identification card must:¶¶

(a) Provide a verifiable SSN or ~~proof that the applicant is not eligible for a SSN as provided in OAR 735-062-0005(2);~~¶¶

~~(b) Provide proof of legal presence as provided in written statement that the person has not been assigned a SSN as provided in ORS 807.021 and OAR 735-062-00405;~~¶¶

~~(e)~~ Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and 735-062-0016; and¶¶

~~(e)~~ Provide proof of identity and date of birth as required under ORS 807.040 and provided in OAR 735-062-0020.¶¶

(3) Notwithstanding subsection (2)(a) of this rule, an applicant for a Real ID must provide proof of SSN as provided in OAR 735-062-0006.¶¶

~~(4) Notwithstanding subsection (2)(b) of this rule,~~ An applicant for a Real ID must provide proof of lawful status as provided in OAR 735-062-0022.¶¶

(5) If applying for a Real ID driver license or permit, the applicant must also meet all requirements of OAR 735-062-0008.¶¶

(6) If applying for a Real ID identification card, the applicant must also meet all requirements of OAR 735-062-0011.¶¶

(7) An applicant for the renewal of a driver license or identification card that includes a change of residence address must present to DMV one of the items constituting proof of residence address listed in OAR 735-062-0030 that shows the applicant's current residence address.¶¶

(8) DMV may renew an unexpired driver license or identification card up to 12 months prior to the expiration date.¶¶

(9) If a driver license has been expired more than one year, the applicant must re-apply for an original driver license and meet the requirements set forth in OAR 735-062-0007.¶¶

(10) Before processing a driver license renewal, DMV will make an inquiry to NDR/PDPS, ~~CDLIS~~ and SPEXS/~~S2S~~ to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶¶

(11) If the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction, the applicant may not renew an Oregon driver license until the applicant either submits a clearance letter that complies with OAR 735-062-0160, or a DMV inquiry to NDR/PDPS, ~~CDLIS~~ and SPEXS/~~S2S~~ shows the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.¶¶

(12) Notwithstanding section (11) of this rule, DMV will renew the driving privileges of an applicant whose driving privileges are suspended, revoked, canceled or otherwise not valid in another jurisdiction if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.¶¶

(13) DMV will not renew an Oregon driver license or permit if the applicant has a current, valid Oregon or out-of-

state identification card. To become eligible, the applicant must surrender the Oregon or out-of-state identification card before DMV will renew the Oregon driver license or permit. If the applicant's identification card is lost or the applicant no longer has the identification card in the applicant's possession, the applicant must provide a statement attesting to this fact.¶

~~(14) Notwithstanding subsection (2)(b) of this rule, DMV will renew a limited term non-Real ID driver license, limited term driver permit or limited term identification card to an applicant who otherwise qualifies for renewal under this rule and has provided proof of temporary legal presence in the United States as described in OAR 735-062-0015(4) that has been extended or is still in effect.¶~~

~~(15) Notwithstanding section (4) of this rule, DMV will renew a limited term Real ID to an applicant who otherwise qualifies for renewal under this rule and has provided proof of lawful status in the United States as described in OAR 735-062-0022 that has been extended or is still in effect.¶~~

~~(16) Notwithstanding subsection (2)(b) and section (15) of this rule, DMV will renew a limited term non-Real ID driver license, limited term non-Real ID driver permit or limited term non-Real ID identification card for a period of two years to an applicant who otherwise qualifies for renewal under this rule if the applicant meets all requirements for issuance under Or Laws 2018, chapter 60, section 3~~
section (4) of this rule, DMV will renew a limited term Real ID to an applicant who otherwise qualifies for renewal under this rule and has provided proof of lawful status in the United States as described in OAR 735-062-0022 that has been extended or is still in effect.

Statutory/Other Authority: ORS 184.619, 802.010, 802.012, 807.021, 807.022, 807.040, 807.455, 807.480, ~~Or laws 2018, ch. 60, sec. 3 & 6~~ CFR ¶ 37.25

Statutes/Other Implemented: ORS 802.012, 802.540, 807.021, 807.022, 807.040–, 807.050, 807.060, 807.100, 807.150, 807.400, ~~Or laws 2018, ch. 60, sec. 3~~

AMEND: 735-062-0110

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed the requirement that an applicant for a replacement driver license, driver permit or identification card provide proof of legal presence or their ineligibility for a SSN.

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 or is required to add or remove a restriction on the applicant's driver license or driver permit.¶¶
 - (f) Is applying 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 the 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 non-Real ID 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 the 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 the addition of an endorsement to a CLP or the removal of a restriction from a CLP.¶¶
 - (q) Requests to correct information on the driver license, driver permit or identification card that was provided to DMV in error.¶¶
- (3) An applicant for a replacement non-Real ID driver license, driver permit, or identification card must:¶¶

- (a) Provide a verifiable SSN; or ~~proof that the applicant is not eligible for~~ written statement that the person has not been assigned 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.¶
- (4) DMV may issue a replacement Real ID driver license or driver permit for one of the reasons provided in section (2) of this rule if the applicant meets the requirements set forth in this rule and OAR 735-062-0008.¶
- (5) DMV may issue a replacement Real ID identification card for one of the reasons provided in section (2) of this rule if the applicant also meets the requirements set forth in this rule and OAR 735-062-0011.¶
- (6) 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.¶
- (7) Before issuing a replacement driver license or driver permit, DMV will make an inquiry to NDR/PDPS, ~~CDLIS~~ and SPEXS/~~S2S~~ to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶
- (8) 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 NDR/PDPS, ~~CDLIS~~ and SPEXS/~~S2S~~ shows that the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.¶
- (9) Notwithstanding section (8) of this rule, DMV will issue a replacement driver 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.¶
- (10) 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 that is not older than nine years and meets standards described in OAR 735-062-0016, unless the applicant chooses to have a new photograph taken.¶
- (11) DMV will not issue a first-time Real ID using an applicant's previous photo on file with DMV.
- Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.160, 807.455 & 807.480
- Statutes/Other Implemented: ORS 807.021, 807.160, 807.220, 807.230, 807.280, 807.400, 807.455, 807.480 & 6 CFR §37.11

AMEND: 735-062-0120

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed the requirement that an applicant for a replacement driver license, driver permit or identification card provide proof of legal presence or their ineligibility for a SSN, and added language requiring a person who has not been assigned a SSN provide a written statement that the person has not been assigned a SSN.

CHANGES 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~~ written statement that the person has not been assigned a SSN, as provided in OAR 735-062-00105;¶¶

~~(e)~~ Provide proof of identity and date of birth as required under ORS 807.040 and 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 renewed driver license under subsection (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 184.619, 802.010, 807.110

Statutes/Other Implemented: ORS 807.110

AMEND: 735-062-0125

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed the requirement that an applicant for a replacement driver license, driver permit or identification card provide proof of legal presence or their ineligibility for a SSN, and added language requiring a person who has not been assigned a SSN provide a written statement that the person has not been assigned a SSN.

CHANGES 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 an applicant's Real ID or non-Real ID 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 applicant already on file with DMV, if the applicant:¶

(a) Provides proof that the applicant 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) Notwithstanding section (1)(b), if an applicant is applying for a renewal or replacement Real ID, the applicant must have previously proven lawful status in the United States as required by OAR 735-062-0022;¶~~

~~(d) Provides the applicant's SSN or a written statement that the person has not been assigned a SSN, as required under OAR 735-062-0005. DMV will verify the SSN with the SSA unless the SSN provided has previously been verified;¶~~

~~(e) Notwithstanding section (1)(d), if an applicant is applying for a renewal or replacement Real ID, the applicant must meet all requirements set forth in OAR 735-062-0006;¶~~

~~(f) Provides proof that the applicant is, in fact, the applicant to whom the driver license, driver permit or identification card to be renewed or replaced was issued; and¶~~

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

(2) An applicant for a renewal driver license, driver permit or identification card containing a previous photo on file must submit a written statement to DMV establishing good cause why the applicant is not able to appear and apply for the renewal driver license, driver permit or identification card at a DMV office. Circumstances constituting "good cause" 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 applicant returns to Oregon; or¶

(d) The applicant has a medical condition or health problems that prevent him or her from applying for a renewal 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 non-Real ID driver license, driver permit or identification card to an applicant who provided proof of being legally present in the United States on a temporary basis under OAR 735-062-0015(5).¶~~

~~(5)~~ DMV will not issue a valid with previous photograph renewal Real ID to an applicant who provided proof of lawful status in the United States on a temporary basis under OAR 735-062-0022.¶

~~(65)~~ Notwithstanding section (1) of this rule, DMV may issue a renewal 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 the applicant's:¶

(a) Most current Leave Earning Statement showing Oregon as the applicant's home on record;¶

(b) Federally-issued active duty Military identification card; and¶

(c) SSN to be verified with the SSA, if not previously verified.¶

~~(76)~~ 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 (6) of this rule, who has an Oregon driver license, driver permit or identification card may qualify for a renewed 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 the military member's 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.¶

~~(87)~~ Notwithstanding section (3) of this rule, DMV may issue a renewal or replacement driver license, driver permit or identification card that is not Real ID 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 ~~(65)~~ or ~~(76)~~ of this rule.¶

~~(98)~~ 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 requests a new photograph.¶

~~(109)~~ 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 old.¶

~~(110)~~ 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 184.619, 802.010, 807.110, 807.450, 807.480, 6 CFR ~~§~~37.23-~~6~~, 6 CFR ~~§~~37.25

Statutes/Other Implemented: ORS 807.110, 807.400, 807.455-~~6~~, 807.480

AMEND: 735-063-0200

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV has removed references to repealed statutes.

CHANGES TO RULE:

735-063-0200

Purpose ¶¶

(1) Chapter 735, division 63 establishes rules for those requirements and processes that are specific to the granting of commercial driving privileges, the retention of those privileges and DMV's sanctioning of those privileges. A person applying for commercial driving privileges must already have a Class C non-commercial license issued by the State of Oregon, or must meet all qualifications for the license. The administrative rules in OAR 735, division 62, regarding the procedures related to the issuance, renewal or replacement of a Class C non-commercial driver license or driver permit also apply to a non-Real ID CDL or a CLP except as specified in these rules. The administrative rules in OAR 735, division 62, regarding the procedures related to the issuance, renewal or replacement of a Real ID Class C non-commercial driver license also apply to a Real ID CDL except as specified in these rules.¶¶

(2) The following rules in OAR 735, division 62 do not apply to a CDL or a CLP:¶¶

(a) OAR 735-062-0002;¶¶

(b) OAR 735-062-0005;¶¶

(c) OAR 735-062-0010;¶¶

(d) OAR 735-062-0032;¶¶

~~(e) OAR 735-062-0033;¶¶~~

~~(f) OAR 735-062-0035;¶¶~~

~~(g) OAR 735-062-0035;¶¶~~

(e) OAR 735-062-0080;¶¶

(hf) OAR 735-062-0085; and¶¶

(ig) OAR 735-062-300 to 735-062-0390.¶¶

(3) The other rules in OAR 735, division 62, are applicable to commercial driving privileges either in whole or as specified in the rules below.

Statutory/Other Authority: ORS 184.619, 802.010-~~8~~, 807.455

Statutes/Other Implemented: ORS 807.018, 807.031, 807.035, 807.045, 807.120, 807.173, 807.285-~~8~~, 809.510, 809.515, 809.520, 809.525, 809.530, 809.535, 809.540-~~8~~, 809.545

AMEND: 735-063-0250

REPEAL: Temporary 735-063-0250 from DMV 21-2020

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV amended this rule to clarify that endorsements and restrictions placed on a commercial learner permit depend on the knowledge tests passed and the driver's current privileges, and updated language relating to expiration of commercial driver license and commercial learner permit knowledge tests.

CHANGES TO RULE:

735-063-0250

Knowledge Testing and Requirements for Issuance of CLP ¶

(1) An applicant for commercial driving privileges must first apply for a CLP, except as specified in OAR 735-063-0260(1). ¶

(2) The class of CLP that DMV will issue, and the endorsements and restrictions that DMV will place on the CLP, are dependent on the knowledge tests that the applicant takes and passes, ~~or~~ and current CDL that the applicant possesses, or, if the applicant is applying for a replacement CLP, on the current CDLP that the person applicant possesses. ¶

(3) The provisions of OAR 735-062-0040 also apply to the knowledge tests given to an applicant for a CLP. ¶

(4) For purposes of the issuance of a CLP, a passing score for a knowledge test ~~taken on or after September 26, 2016~~ is valid for six months. ~~A passing score for a knowledge test taken prior to September 26, 2016 is valid for two years.~~ ¶

~~(5) A Test scores have validity as specified in OAR 735-063-0260(8).~~ ¶

(5) Except as provided for in section (6) of this rule, all applicants for a CLP must have a valid score for the CDL general knowledge test. A and additional knowledge test(s) are as follows: ¶

(a) An applicant for a Class A CLP must have a valid score for the combination vehicles knowledge test. ¶

(b) An applicant for a CLP with a passenger endorsement must have a valid score for the passenger endorsement test. ¶

(c) An applicant for a CLP with a school bus endorsement must have a valid score for the passenger endorsement knowledge test and for the school bus endorsement test. ¶

(d) An applicant for a CLP with a tank endorsement must have a valid score for the tank endorsement knowledge test. ¶

(e) An applicant for a CLP who wants to operate a CMV with air brakes must have a passing score for the air brake knowledge test. ¶

(6) For purposes of this rule, an applicant who previously completed a knowledge test for the issuance of a CDL, as demonstrated by the applicant's current unexpired CDL, or the applicant's CDL that has been expired no more than one year, is not required to retake that knowledge test for DMV to issue a CLP. In the case of a replacement CLP, an applicant who previously completed a knowledge test for the issuance of a CLP, as demonstrated by the person's current unexpired CLP, is not required to retake that knowledge test. ¶

(7) All knowledge tests are administered in English. DMV does not allow the use of an interpreter or language aid. ¶

~~(78)~~ In addition to all requirements of OAR 735-062-0007(1) listed in subsections (e) through (1j), an applicant for a CLP must: ¶

(a) Provide the applicant's Social Security number on the application. DMV will verify the Social Security number as described in OAR 735-062-0005; ¶

(b) Except as provided in section ~~(89)~~ of this rule and OAR 735-063-0265, provide proof of U.S. citizenship as described in OAR 735-062-001520(2) or permanent ~~legal~~lawful residency in the U.S. as described in OAR 735-062-~~0015(320(2))~~. ¶

(c) Certify driving type; ¶

(d) Provide proof of medical qualification as described in OAR 735-063-0220; and-¶¶

(e) Satisfy all requirements set forth in ORS 807.285.-¶¶

(89) A citizen of a nation with a Compact of Free Association (COFA) with the United States must provide the proof required in OAR 735-062-0015(4)(a)20(2). For purposes of this rule, a citizen of a COFA nation is considered to have met lawful permanent resident requirements, under authority of FMCSA guidance, as required under ORS 807.040 and 807.285 for, issuance of a CLP.-¶¶

(910) An applicant for a CLP is also subject to the provisions of OAR 735-062-0007(2)-to (9).

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

Statutes/Other Implemented: ORS 807.018, 807.031, 807.035, 807.070, 807.285

AMEND: 735-063-0265

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV changed the term "legal presence" to "lawful status" in accordance with chapter 701, OR Laws 2019.

CHANGES TO RULE:

735-063-0265

Issuance of Limited Term Non-Real ID CLP or CDL

(1) An applicant who is ~~legal~~lawfully present in the United States on a temporary basis may qualify for a limited term non-Real ID CLP or limited term non-Real ID CDL by providing one of the following documents:¶

(a) Arrival/Departure Record (I-94 or CBI I94-A) issued by the United States Department of Homeland Security or Custom and Border Protection presented with or within a valid unexpired foreign passport.¶

(b) Arrival/Departure Record (I-94 or CBP I-94) stamped admitted as a Refugee, Asylee, Asylum, Parole, Parolee, or Paroled for an indefinite period presented with acceptable proof of identity as defined in OAR 735-062-0020.¶

(c) Employment Authorization card (I-766), unexpired.¶

(2) In accordance with 49 CFR sections 383.21 and 383.23 an applicant from Mexico or Canada does not qualify for a limited term CLP or limited term CDL. DMV will not accept an I-94, CBP I-94 or I-766 that displays under a heading of country of citizenship, country of birth, nationality, or similar heading either Mexico or Canada.¶

(3) DMV will not accept any document issued by the United States Immigration and Customs Enforcement Agency containing the statement:¶

(a) Under Docket Control;¶

(b) Under the Order of Supervision; or¶

(c) Notice of Immigration Bond Cancelled.¶

(4) DMV will not accept as the proof required by section (1) of this rule a document that is not verified through the Systematic Alien Verification for Entitlements (SAVE) system.¶

(5) DMV will not accept any document as proof of ~~legal presence~~lawful status in the United States that is:¶

(a) Stamped cancelled;¶

(b) Hole-punched;¶

(c) Marked with clipped corners;¶

(d) Altered; or¶

(e) Amended, unless the amendments were completed by the issuing authority.¶

(6) After determining that an applicant has met all requirements for a non-Real ID CLP or non-Real ID CDL and has provided proof of ~~legal presence~~lawful status in the United States on a temporary basis, as described in this rule, DMV will issue a limited term driver license or limited term driver permit and mail it to the address provided by the applicant at the time of the application. The expiration date of a limited term CLP or limited term CDL is a described in ORS 807.130(3).

Statutory/Other Authority: ORS 184.619, 802.010, 807.730, 49 CFR ¶¶ 383.21, 383.23, 383.71

Statutes/Other Implemented: ORS 807.730

AMEND: 735-064-0040

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV amended this rule to clarify that the documents required to obtain a hardship permit depend on the type of driver license for which the applicant is applying, removed the requirement that an applicant for a replacement driver license, driver permit or identification card provide proof of legal presence or their ineligibility for a SSN, and added language requiring a person who has not been assigned a SSN provide a written statement that the person has not been assigned a SSN.

CHANGES TO RULE:

735-064-0040

Application Requirements for a Hardship Permit ¶

- (1) An Oregon resident whose driving privileges are suspended, or revoked under ORS 809.600 as a habitual offender, may apply for a hardship permit. DMV may not issue a hardship permit when:¶
- (a) DMV is prohibited by law from issuing a hardship permit.¶
 - (b) The suspension of the person's driving privileges is ordered under ORS 809.419 whereby the person is unable to demonstrate that the person is not incompetent to drive because of a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle.¶
 - (c) The suspension is an immediate suspension of the person's driving privileges ordered under ORS 809.417(3)(c) for causing or contributing to an accident resulting in death while operating a motor vehicle. When DMV has reason to believe that the person may endanger people or property if the person's driving privileges are not immediately suspended, a condition of the immediate suspension is that the person may not be issued a hardship permit.¶
- (2) Documents required to obtain a hardship permit depend on the reason(s) for the suspension or revocation and the type of driver license for which the applicant has applied. An applicant must comply with any sections of this rule that apply to the applicant's suspension, revocation or combination of suspension(s) and revocation(s). All applicants must:¶
- (a) Complete a Hardship Application, (DMV Form 735-6044). This form is available at any DMV office and on the Internet at www.oregondmv.com; and¶
 - (b) Pay the hardship permit fee and the reinstatement fee.¶
- (3) An applicant, whose driving privileges are suspended under ORS 809.310(3) or 809.411(8) for committing a fraudulent or unlawful act in applying for or in the use of a driver license, driver permit or identification card, must:¶
- (a) Provide proof of a verifiable Social Security number or ~~proof of not being eligible for one;~~¶
 - ~~(b) Provide proof of legal presence~~ (b) Provide proof of legal presence written statement that the person has not been assigned a SSN;¶
 - ~~(b) Provide proof of lawful status if the applicant is applying for a Real ID driver license;~~¶
 - (c) Submit to the collection of biometric data and establish identity as provided in ORS 807.024; and¶
 - (d) Provide proof of identity and date of birth.¶
- (4) An applicant for a hardship permit must submit a SR22 insurance certificate or other proof of financial responsibility as described in ORS 806.240. The SR22 insurance certificate for an applicant whose driving privileges are suspended for a DUII conviction must show at least the minimum coverage amounts specified in ORS 806.075.¶
- (5) An applicant must provide information to DMV that justifies the specific request for driving privileges as follows:¶
- (a) To and from work: A letter from the applicant's employer confirming employment, work hours and address where work is performed. If self-employed, the applicant must provide evidence such as a business license, business tax statement, newspaper advertisement or business receipts that DMV may review to verify that the applicant is self-employed.¶

(b) During the course and scope of the person's employment: A letter from the applicant's employer that states that the applicant's job duties include driving and provides information regarding what times and in which counties the applicant must drive to perform those duties. If self-employed, the applicant must provide the times and counties in which the applicant must drive.¶¶

(c) Seeking employment: The days of the week and times of day and in which counties the applicant will seek employment. DMV will only grant driving privileges within normal business hours (8 a.m. - 5 p.m. Monday through Friday) and within the state of Oregon for an applicant to seek employment while on a hardship permit.¶¶

(d) For a treatment or rehabilitation program: The name and address of the alcohol, drug or gambling addiction program, along with the days and times the applicant is required to drive to and from the program.¶¶

(e) For regular medical treatment: The name and address of the medical treatment facility and the hours and days of the week treatment is provided. DMV will only grant driving privileges within normal business hours (8 a.m. - 5 p.m. Monday through Friday) and within the state of Oregon for an applicant needing regular medical treatment while on a hardship permit, unless the person demonstrates the need for treatment outside of those restrictions.¶¶

(f) For necessary services: The name and address of the person to whom or facility to which the applicant is driving for the necessary services and the day(s) and time(s) for which the privilege is needed.¶¶

(A) DMV will grant driving privileges for grocery shopping one day a week (Monday through Sunday), 8:00 a.m. - noon or 1:00 p.m. - 5:00 p.m.¶¶

(B) DMV will grant driving privileges for medical appointments two days a week (Monday through Friday), 8:00 a.m. - noon or 1:00 p.m. - 5:00 p.m.¶¶

(C) DMV will grant driving privileges for the care of elderly family members two days a week (Monday through Sunday), 8:00 a.m. - noon or 1:00 p.m. - 5:00 p.m. unless the applicant demonstrates the need for more frequent care.¶¶

(6) DMV will deny an application for a hardship permit when DMV has reviewed the application and the applicant does not meet the qualifications for the permit or one or more of the requirements for the permit is missing. If within 60 days of the letter of denial from DMV, the applicant provides all necessary documents to meet any missing requirement or qualification for a hardship permit, DMV will apply the original application fee when issuing the permit.

Statutory/Other Authority: ORS 184.619, 802.010, 807.240

Statutes/Other Implemented: ORS 807.240, 807.370

AMEND: 735-070-0010

NOTICE FILED DATE: 09/29/2020

RULE SUMMARY: DMV removed the requirement that an applicant for a replacement driver license, driver permit or identification card provide proof of legal presence or their ineligibility for a SSN, and added language requiring a person who has not been assigned a SSN provide a written statement that the person has not been assigned a SSN.

CHANGES TO RULE:

735-070-0010

Reinstatement Following Cancellation or Suspension Under ORS 807.220, 807.230, 807.350, 809.310 and 809.320 ¶

(1) DMV will reissue a driver permit, driver license or identification card to a person whose driving privileges or identification card is canceled under ORS 809.310(1) because the person is not entitled only if the person corrects the condition that caused the cancellation and otherwise meets all requirements for driving privileges or an identification card.¶

(2) DMV will reissue a driver permit, driver license or identification card canceled under ORS 809.310(2) because there is an error, i.e. wrong class of license or permit, incorrect endorsement; incorrect date of birth, name, expiration date or issue date once the person surrenders the driver permit, driver license or identification card with the error. If the information on the driver permit, driver license or identification card is wrong because of a DMV error, a no fee replacement will be issued.¶

(3) DMV will reissue a driver permit, driver license or identification card canceled under ORS 809.310(2) because the address is not the person's residence address as required by law once the person surrenders the driver permit, driver license or identification card with the incorrect information and the person provides DMV with acceptable documentary proof of residence address as described in OAR 735-062-0030(1) and pays all applicable fees.¶

(4) Notwithstanding sections (1), (2) and (3) of this rule, when a person whose driving privileges or identification card are canceled under ORS 809.310(1) or 809.310(2) is not a resident of Oregon, DMV will rescind the cancellation to allow the person to obtain driving privileges or an identification card in another jurisdiction but will not reissue an Oregon driver license, driver permit, or identification card. The person must:¶

(a) Request that DMV rescind the cancellation;¶

(b) Have corrected all applicable conditions that caused the cancellation except for the domicile or residency requirements under ORS 807.062; and¶

(c) Provide verification from another jurisdiction that:¶

(A) The person has applied and meets the requirements for driving privileges or an identification card in that jurisdiction;¶

(B) The person has surrendered ~~his or her~~ their Oregon driver license or identification card to the jurisdiction, or has stated that the card was surrendered to DMV or that it was lost, destroyed or mutilated; and¶

(C) The cancellation must be rescinded in order for the person to qualify for driving privileges or an identification card in the other jurisdiction.¶

(5) DMV will issue a driver license, driver permit or identification card when a person described in section (4) of this rule returns to Oregon and the person corrects the condition that caused the cancellation and meets all eligibility requirements for driving privileges or an identification card and pays all applicable fees.¶

(6) DMV will reinstate the person's driving privileges or identification card, including ~~his or her~~ the person's right to apply suspended under ORS 809.310(3)(b)-(h) when:¶

(a) One year has elapsed since the effective date of the suspension; and¶

(b) The person pays the reinstatement fee.¶

(7) When a person's driving privileges or identification card, including the right to apply, is suspended under ORS 809.310(3)(a), DMV will reinstate the driving privileges or identification card one year from the effective date of the suspension if the person:¶

- (a) Provides a verifiable SSN or ~~proof~~ a written statement that the person ~~is not eligible for~~ has not been assigned a SSN as provided in OAR 735-062-0005(2);¶
- ~~(b) Provides proof of legal presence as provided in OAR 735-062-0015;¶~~
- ~~(c) Submits to the collection of biometric data and establishes identity as provided in ORS 807.024 and OAR 735-062-0016;¶~~
- ~~(d) Provides proof of identity and date of birth as provided in OAR 735-062-0020;¶~~
- ~~(e) Submits proof of residence address as provided in OAR 735-062-0030(1); and¶~~
- ~~(f) Pays the reinstatement fee.¶~~
- (8) Notwithstanding section (7) of this rule, when a person's driving privileges or identification card are suspended under ORS 809.310(3)(a) and is no longer a resident of Oregon, ~~the or she~~ the person may request to have ~~his or her~~ the r driving privileges, identification card or right to apply ~~be~~ reinstated in order to be issued in another jurisdiction. DMV will not issue an Oregon driver license, driver permit or identification card, but will reinstate the driving privileges, identification card or right to apply when:¶
 - (a) One year has elapsed since the effective date of the suspension;¶
 - (b) The person provides verification from another jurisdiction that:¶
 - (A) The person has applied and meets the requirements for driving privileges or an identification card in that jurisdiction; and¶
 - (B) The person has surrendered ~~his or their~~ Oregon driver license or identification card to that jurisdiction, or has stated that the card was surrendered to DMV or that it was lost, destroyed or mutilated; and¶
 - (c) The person pays the reinstatement fee.¶
- (9) A person described in section (8) of this rule, who returns to Oregon, may be eligible for a driver license, driver permit or identification card. DMV will issue a driver license, driver permit or identification card when:¶
 - (a) Provides a verifiable SSN or ~~proof~~ a written statement that the person ~~is not eligible for~~ has not been assigned a SSN as provided in OAR 735-062-0005(2);¶
 - ~~(b) Provides proof of legal presence as provided in OAR 735-062-0015;¶~~
 - ~~(c) Submits to the collection of biometric data and establishes identity as provided in ORS 807.024 and OAR 735-062-0016;¶~~
 - ~~(d) Provides proof of identity and date of birth as provided in OAR 735-062-0020;¶~~
 - ~~(e) The person submits proof of residence address as provided in OAR 735-062-0030(1); and¶~~
 - ~~(f) The person meets all eligibility requirements for driving privileges or an identification card and pays all applicable fees.¶~~
- (10) When DMV cancels a person's driver permit or driver license for withdrawal of consent under ORS 809.320, DMV will reinstate driving privileges when the person:¶
 - (a) Pays a replacement driver permit or driver license fee or a renewal fee, if applicable; and¶
 - (b) Submits one of the following if the person is under 18 years of age:¶
 - (A) An application for a driver permit or driver license that is signed by the person's mother, father or legal guardian;¶
 - (B) Court papers showing that the person is declared emancipated by the court; or¶
 - (C) Evidence that the person is married.¶
- (11) When DMV cancels a person's driving privileges because the person is not qualified or does not meet the requirements under ORS 807.350, DMV will not grant driving privileges until the person meets the requirements and demonstrates qualification for a driver license under 807.040, 807.050, 807.060, 807.062, 807.065, 807.066 and 807.070.¶
- (12) When the special student driver permit of a person under 16 years of age is canceled under ORS 807.230(7), DMV will only issue driving privileges when the person has reached 16 years of age and if the person is eligible and meets all applicable requirements in 807.040, 807.065 and 807.066 and OAR 735-062-0007 to obtain a driver permit or driver license. When the special student driver permit of a person over 16 years of age is canceled, DMV will not reissue a special student driver permit however the person may apply for a driver license if eligible and if the person meets all applicable requirements in ORS 807.040, 807.065, 807.066 and OAR 735-062-0007.¶

(13) When an emergency driver permit is canceled under ORS 807.220(3)(g), DMV will:¶

(a) Reissue an emergency driver permit after one year has elapsed from the effective date of the cancellation if the person is eligible and meets the requirements in OAR 735-064-0230; or¶

(b) Issue a driver permit or a driver license if the person is eligible and meets all applicable requirements in ORS 807.040, 807.065 and 807.066 and OAR 735-062-0007.

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

Statutes/Other Implemented: ORS 807.021, 807.022, 807.220, 807.230, 807.400, 809.310, 809.320