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DEPARTMENT OF TRANSPORTATION

DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-062-0007, 735-062-0010

AMEND: 735-062-0007

NOTICE FILED DATE: 11/29/2022

RULE SUMMARY: DMV amended this rule to:

- Clarify that DMV notifies all jurisdictions in the United States identified as previously issuing a driver license, driver permit or identification card to the applicant when DMV issues an Oregon driver license or driver permit to the applicant.
- Clarify that DMV invalidates a person's Oregon driver license or identification card when notification of issuance is received from another jurisdiction that a person with an Oregon driver license or driver permit has been issued a driver license or driver permit in that jurisdiction.
- Ensure a person has only one standard or Real ID driver license or driver permit to help prevent fraud, and to meet the requirements of the Driver License Compact and Federal Regulations for Real ID issuances. These changes are also in accordance with the American Association of Motor Vehicle Administrators (AAMVA) recommended best practices.

CHANGES TO RULE:

735-062-0007

Driver Permits or Driver Licenses ¶¶

(1) Before 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 a statement that the person has not been assigned a SSN as provided in OAR 735-062-0005;(d) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016;¶

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

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

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

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

(2) An 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 the applicant applying for driving privileges:¶

(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, cannabis, inhalants, psilocybin or controlled substances to a degree that affects your ability to drive safely?"¶

(3) An 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 safety questions under section (2)(a)-(c) of this rule were answered in error and the applicant is eligible for driving privileges.¶

(4) Once an applicant has applied for a driver license or driver permit, DMV will make an inquiry to NDR/PDPS, SPEXS and SPEX2S 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 to NDR/PDPS, SPEXS and SPEX2S indicates the applicant's driving privilege is not fully valid.¶

(6) DMV will not issue driving privileges to an applicant until the applicant's driving privileges 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 an applicant whose commercial driving privileges are not valid as long as the applicant's regular Class C or equivalent driving privileges are valid.¶

(7) DMV will not issue a driver license or driver permit to an applicant with a current, valid Oregon identification card (ID card). To become eligible, the 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) DMV will notify all jurisdictions in the United States identified as previously issuing a driver license, driver permit or identification card to the applicant when DMV issues an Oregon driver license or driver permit to the applicant.¶

(9) A driver license issued to an applicant with a February 29 birthdate expires:¶

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

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

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

(11) An Oregon non-commercial driver license or driver permit becomes invalid when the holder of the Oregon driver license or driver permit is issued a driver license, driver permit or identification card in another jurisdiction.

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

Statutes/Other Implemented: ORS 802.540, 807.021, 807.040, 807.060, 807.066, 807.130, ~~OL 2018, ch. 60, sec. 3~~ 807.455, 809.310

RULE SUMMARY: DMV amended this rule to:

- Clarify that DMV notifies all jurisdictions in the United States identified as previously issuing a driver license, driver permit or identification card to the applicant when DMV issues an Oregon driver license or driver permit to the applicant.
- Clarify that DMV invalidates a person's Oregon driver license or identification card when notification of issuance is received from another jurisdiction that a person with an Oregon driver license or driver permit has been issued a driver license or driver permit in that jurisdiction.
- Ensure a person has only one standard or Real ID driver license or driver permit to help prevent fraud, and to meet the requirements of the Driver License Compact and Federal Regulations for Real ID issuances. These changes are also in accordance with the American Association of Motor Vehicle Administrators (AAMVA) recommended best practices.

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 or driver permit issued in Oregon or another jurisdiction.¶

(2) 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 ~~(79)~~ of this rule;¶

(b) Provide a verifiable SSN 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;¶

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

(e) 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 the applicant's possession, and must agree that the license will be surrendered to DMV if found.¶

(5) 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)~~¶

(6) DMV will notify all jurisdictions in the United States identified as previously issuing a driver license, driver permit or identification card to the applicant when DMV issues an Oregon identification card to the applicant.¶

(7) An Oregon identification card becomes invalid when the holder of the Oregon identification card is issued a driver license, driver permit or identification card in another jurisdiction.¶

~~(8)~~ All identification cards must include a photograph of the cardholder.¶

~~(69)~~ 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 driver 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.¶

~~(710)~~ An identification card issued to a person with a February 29 birthdate expires:¶

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

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

~~(811)~~ 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.¶

~~(912)~~ 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.¶

~~(103)~~ DMV may replace an identification card as provided in OAR 735-062-0110 or may do so using a previous photograph only as provided 735-062-0125.¶

(114) Notwithstanding subsection (2)(c) of this rule, an applicant applying for a Quit Driving Identification Card as described in OAR 735-062-0135 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 735-062-0016.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.040, 807.050, 807.400

Statutes/Other Implemented: ORS 807.021, 807.022, 807.130, 807.400, 807.455, 809.310