



PERMANENT ADMINISTRATIVE ORDER

DMV 14-2023

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED
05/15/2023 10:14 AM
ARCHIVES DIVISION
SECRETARY OF STATE
& LEGISLATIVE COUNSEL

FILING CAPTION: Driver License Issuance, Mental or Physical Conditions, Problem Conditions

EFFECTIVE DATE: 05/15/2023

AGENCY APPROVED DATE: 05/11/2023

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RULES:

735-018-0160, 735-018-0165, 735-062-0007, 735-062-0008, 735-076-0005, 735-076-0007

AMEND: 735-018-0160

NOTICE FILED DATE: 03/30/2023

RULE SUMMARY: DMV amended this rule to change the way DMV determines if a person:

- > Has a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;
- > Has a mental or physical condition or impairment that affects the applicant's ability to drive safely; or
- > Has a problem condition with alcohol, cannabis, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.

CHANGES TO RULE:

735-018-0160

Replacement of Real ID or Non-Real ID Driver License, Driver Permit or Identification Card by Electronic Means at DMV's Website

(1) DMV may issue a replacement driver permit, driver license or identification card applied for online for one of the reasons listed in section (2) of this rule if the applicant meets all eligibility requirements set forth in this rule.¶

(2) DMV may issue a replacement driver license, driver permit or identification card applied for online if an applicant:¶

(a) Certifies the driver license, driver permit, or identification card was lost, destroyed or mutilated;¶

(b) Has updated their DMV record with a change of residence or mailing address or by adding a mailing address by submitting a Change of Address as prescribed in OAR 735-010-0070; or¶

(c) Has not received the applicant's driver license, driver permit or identification card in the mail after applying online or in person at a DMV office and the applicant does not meet the requirements under OAR 735-062-0092(3) for a reissued driver license, driver permit or identification card.¶

(3) A person may apply to replace, by means of an electronic transaction through DMV's website, a Real ID or non-Real ID driver license, driver permit or identification card by submitting:¶

(a) A completed online replacement driver license, driver permit or identification card application that:¶

(A) Contains the last six digits of the applicant's social security number (SSN); or¶

(B) If the applicant is not eligible for SSN and is applying for non-commercial driving privileges or an identification

card the applicant must certify they are ineligible for a SSN; and¶

(b) The fee required to be paid for replacement of driver license or driver permit card under ORS 807.370 under the method prescribed in OAR 735-018-0070; or¶

(c) The fee required to be paid for replacement identification card under ORS 807.410 under the method prescribed in OAR 735-018-0070.¶

~~(4) A person is not eligible for driving privileges under ORS 807.060(4) or (5) and DMV will not accept an online application. In addition to the certifications described in OAR 735-018-0040, the applicant applying for a replacement of any driver license or driver permit if on an application for an online replacement license or identification card submitted by means of an electronic transaction shall constitute a certification by the applicant to all of the following:¶~~

~~(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 condition or impairment that affects the applicant's ability to drive safely?"~~

~~(a) Is, at the time of application, a resident of or domiciled in Oregon as described in ORS 807.062;¶~~

~~(b) Does not have a vision 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 impacts the applicant's ability to drive safely?"¶~~

~~(5) A person who is denied issuance of a replacement driver license or permit when applying online under section (4) of this rule will be allowed to establish or reestablish eligibility by applying in person at a DMV office and 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 requ, which has not been corrected by the use of glasses or contact lenses;¶~~

~~(c) Does not have a mental or physical condition or impairment may be waived if DMV determines the application was completed in error and the person is eligible for driving privileges.¶~~

~~(6) In addition to the certifications described in OAR 735-018-0040, the applicant applying for replacement of any driver license, driver permit or identification card submitted by means of an electronic transaction shall constitute a certification by the applicant to all of the following:¶~~

~~(a) Is, at the time of application, a resident of or domiciled in Oregon as described in ORS 807.062; that affects the applicant's ability to drive safely; and¶~~

~~(d) Does not have a problem condition with alcohol, cannabis, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.¶~~

~~(b) To the best of the applicant's knowledge is not suspended, canceled or revoked in Oregon or any other jurisdiction;¶~~

~~(ef) Qualifies for the driving privilege or identification card being applied for;¶~~

~~(dg) Understands that it is a crime under ORS 807.520 and 807.530 to knowingly make a false application for driving privileges or identification;¶~~

~~(eh) Understands that once the application for the replacement driver license, driver permit or identification card is submitted, the current driver license, driver permit or identification card is invalid; and¶~~

~~(fi) Understands that if the applicant obtains a replacement driver license, driver permit, or identification card, the applicant must return to DMV the invalidated driver license, driver permit, or identification card to DMV if it is later found, has been updated with a new address or was replaced due to damage.¶~~

~~(75) An applicant applying for a replacement driver license, driver permit, or identification card online may not change any information on the card.¶~~

~~(86) A driver license, driver permit, or identification card being replaced online will contain the last photograph on file with DMV.¶~~

~~(97) DMV may not issue a replacement 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.¶~~

~~(108) Before issuing a replacement driver license or driver permit, DMV will make an inquiry to the National Driver Registry (NDR)/Problem Driver Pointer System (PDPS), Commercial Driver License Information System (CDLIS) and State Pointer Exchange System (SPEXS)/State to State (S2S) services to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶~~

~~(119) Before issuing a replacement driver license, driver permit or identification card online DMV will make an inquiry using the S2S service to determine if the applicant holds a driver license, driver permit or identification card issued by another jurisdiction.¶~~

~~(120) A replacement driver license, driver permit, or identification card is mailed to the address in DMV's record at the time the applicant applies for the replacement online.¶~~

~~(131) An applicant applying for a replacement online may not request another replacement, either online or in a field office for 20 days after the date the applicant submits the online replacement application.¶~~

(142) An applicant in the United States for a temporary length of stay is not eligible to replace the applicant's limited term driver license, limited driver permit or limited term Identification card using the online application process.

Statutory/Other Authority: ORS 184.619, 802.010, 802.012

Statutes/Other Implemented: ORS 802.012, 807.040, 807.050, 807.060, 807.062, 807.160, 807.370, 807.400, 807.410, 807.530

AMEND: 735-018-0165

NOTICE FILED DATE: 03/30/2023

RULE SUMMARY: DMV amended this rule to change the way DMV determines if a person:

- > Has a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;
- > Has a mental or physical condition or impairment that affects the applicant's ability to drive safely; or
- > Has a problem condition with alcohol, cannabis, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.

CHANGES TO RULE:

735-018-0165

Renewal of Real ID or Non-Real ID Driver License, Driver Permit or Identification Card by Electronic Transaction at DMV's Website

(1) DMV may issue a renewed driver license, driver permit or identification card applied for by electronic transaction with the previous photograph on file if the applicant meets all eligibility requirements set forth in this rule and is not ineligible as provided in this rule.¶

(2) An applicant may renew a Real ID or non-Real ID driver license, driver permit or identification card by electronic transaction at DMV's website, in accordance with this rule. To be eligible for renewal by electronic transaction at DMV's website, the applicant must qualify for the driver license, driver permit or identification card for which the applicant is applying, meet all requirements provided in this rule and satisfy the requirements set forth in ORS 807.150.¶

(3) DMV may renew a driver license, driver permit or identification card applied for by electronic transaction at DMV's website if an applicant:¶

~~(a) S~~ submits a completed electronic transaction renewal driver license, driver permit or identification card application, which must include:¶

~~(A) The last six digits of the applicant's social security number (SSN) or;~~¶

~~(i) For a non-Real ID driver license, driver permit or identification card, the last six digits of the applicant's social security number (SSN) or a certification that the applicant has not been assigned a SSN; or~~¶

~~(ii) For a Real ID compliant driver license, driver permit or identification card, the last six digits of the applicant's social security number (SSN) or a certification that the applicant has not been assigned a SSN;~~¶

~~(B) An indication as to whether or not the applicant wants to make an anatomical gift, as defined in ORS 97.953; and~~¶

~~(C) Completed medical fitness questions as described in Section (4) of this rule.~~¶

~~(d) Pays the required fee.~~¶

(A) As described in ORS 807.370 for renewing a driver license or driver permit, using the method prescribed in OAR 735-018-0070; or¶

(B) As described in ORS 807.410 for renewing an identification card, using the method prescribed in OAR 735-018-0070.¶

~~(4) DMV may not accept an application for renewal of a driver license or driver permit by electronic transaction from an applicant who answers "yes" to any of the following medical fitness questions:~~¶

~~(a) "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) "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?"; or~~¶

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

~~(5) An applicant who is denied renewal of driving privileges under section (4) of this rule must apply in person at a local DMV office.~~¶

~~(6) An applicant who updates their residence address as part of the electronic transaction renewal application must upload proof of current residence address, as defined in OAR 735-062-0030.~~¶

(7) In addition to the certifications described in OAR 735-018-0040, an applicant who submits an application by electronic transaction for renewal of any driver license, driver permit or identification card is certifying that the applicant:¶

(a) Is, at the time of application, a resident of or domiciled in Oregon as described in ORS 807.062;¶

(b) Does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶

(c) Does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely;

and¶

(d) Does not have a problem condition with alcohol, cannabis, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.¶

(e) Is, to the best of the applicant's knowledge, not suspended, canceled or revoked in Oregon or any other jurisdiction;¶

(ef) Qualifies for the driving privilege or identification card being applied for;¶

(dg) Understands that it is a crime under ORS 807.520 and 807.530 to knowingly make a false application for driving privileges or identification; and¶

(eh) Understands that once the applicant submits the application for renewal of a driver license, driver permit or identification card, the current driver license, driver permit or identification card is invalid and must be destroyed by the applicant, as described in ORS 807.150.¶

(86) An applicant applying for a renewed driver license, driver permit or identification card by electronic transaction may not change or add any restrictions or endorsements contained on the driver license, driver permit or identification card.¶

(97) DMV may not issue a renewed driver license, driver permit or identification card under this rule if:¶

(a) The applicant's most recent photograph on file with DMV is more than nine years old.¶

(b) The applicant is a commercial driver license holder who has certified a driving type of excepted interstate and the commercial driver license contains a K restriction.¶

(c) The applicant's driver license contains a farm endorsement.¶

(d) The applicant's commercial driver license contains a hazardous materials endorsement.¶

(e) The applicant's previous driver license or driver permit was issued using the valid without photograph process provided in OAR 735-062-0120.¶

(f) The applicant is applying for a REAL ID driver license or identification card and during the previous issuance the applicant was not eligible for an SSN.¶

(108) Before issuing a renewed driver license or driver permit, DMV will make an inquiry to the National Driver Registry (NDR)/Problem Driver Pointer System (PDPS), Commercial Driver License Information System (CDLIS) and State Pointer Exchange System (SPEXS)/State to State (S2S) services to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶

(119) Before issuing a renewed driver license, driver permit or identification card by electronic transaction, DMV will make an inquiry using the S2S service to determine if the applicant holds a driver license, driver permit or identification card issued by another jurisdiction.¶

(120) DMV will not renew a driver license, driver permit or identification card if the applicant holds a driver license, driver permit or identification card issued by another state that was issued after the previous Oregon driver license, driver permit or identification card was issued.¶

(131) A driver license, driver permit or identification card renewed by electronic transaction is mailed to the address in DMV's record at the time the applicant applies for the renewal by electronic transaction.¶

(142) An applicant applying for a renewal by electronic transaction may not request a re-issue or replacement driver license, driver permit or identification card, using either DMV's website or in a field office, for 20 days after the date the applicant submits the electronic transaction renewal application.¶

(153) An applicant in the United States for a temporary length of stay is not eligible to renew the applicant's limited term driver license, limited term driver permit or limited term identification card using the electronic transaction application process.

Statutory/Other Authority: ORS 184.619, 802.010, 802.012

Statutes/Other Implemented: ORS 802.012, 807.040, 807.050, 807.060, 807.062, 807.150, 807.370, 807.400, 807.410, 807.530

AMEND: 735-062-0007

NOTICE FILED DATE: 03/30/2023

RULE SUMMARY: DMV amended this rule to change the way DMV determines if a person:

- > Has a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;
- > Has a mental or physical condition or impairment that affects the applicant's ability to drive safely; or
- > Has a problem condition with alcohol, cannabis, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.

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~~applicant 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~~applicant 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~~applicant's identity and date of birth as provided in OAR 735-062-0020;¶¶

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

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

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

~~(2)h) 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~~Certify that the applicant does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶¶

~~(b) Answers yes to the question "Do you have any physical or ment~~Certify that the applicant does not have a mental or physical 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 yours~~the applicant's ability to drive safely?"; and¶¶

~~(3)j) 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 reest~~Certify that the applicant does not have a problem condition with alcohol, cannablish 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, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.~~¶¶

~~(4)k) Once an applicant has applied for a driver license or driver permit, DMV will make an inquiry to NDR/PDPS, SPEXS and S2S to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.~~¶¶

~~(5)l) 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 S2S indicates the applicant's driving privilege is not fully valid.¶

~~(64)~~ 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.¶

(75) 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.¶

~~(86)~~ 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.¶

~~(97)~~ 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.¶

~~(108)~~ 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.¶

~~(119)~~ 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

Statutes/Other Implemented: ORS 802.540, 807.021, 807.040, 807.060, 807.066, 807.130, 807.455, 809.310

AMEND: 735-062-0008

NOTICE FILED DATE: 03/30/2023

RULE SUMMARY: DMV amended this rule to change the way DMV determines if a person:

- > Has a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;
- > Has a mental or physical condition or impairment that affects the applicant's ability to drive safely; or
- > Has a problem condition with alcohol, cannabis, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.

CHANGES TO RULE:

735-062-0008

Real ID Driver Licenses or Driver Permits

(1) Before DMV will issue a first-time Real ID driver license or driver permit, the applicant applying for the Real ID driver permit or driver license must:¶

(a) Satisfy all requirements set forth in ORS 807.040 and, if under the age of 18, 807.060(2)(a). 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 the applicant's SSN or proof of ineligibility of SSN as provided in OAR 735-062-0006;¶

(d) Provide proof of identity, date of birth and lawful status as provided in OAR 735-062-0022;¶

(e) Provide proof of legal name as provided in OAR 735-062-0023;¶

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

(g) Provide proof of the applicant's residence address as provided in OAR 735-062-0031.¶

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

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

(j) Certify that the applicant does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶

(k) Certify that the applicant does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and¶

(L) Certify that the applicant does not have a problem condition with alcohol, cannabis, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.¶

(2) Before DMV will issue a replacement or renewal Real ID driver permit or driver license, the applicant applying must:¶

(a) Provide proof of identity and lawful status as provided in OAR 735-062-0022.¶

(b) If there has been any change to the applicant's name, the applicant must provide proof of the change as required by OAR 735-062-0023.¶

(c) If there has been any change to the applicant's date of birth, the applicant must provide proof of the change as required by OAR 735-062-0022.¶

(d) If there has been any change to the applicant's SSN, the applicant must provide the new SSN as required by OAR 735-062-0006.¶

(e) Certify that the applicant does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;¶

(f) Certify that the applicant does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and¶

(g) Certify that the applicant does not have a problem condition with alcohol, cannabis, psilocybin, controlled substances or inhalants that affects the applicant's ability to drive safely.¶

(3) All Real ID driver licenses and driver permits issued by the department must contain the current full legal name of the person.¶

(4) DMV will not issue a Real ID driver license or driver permit to a person who holds a current, valid Real ID or

non-Real ID driver license, driver permit or identification card issued by this state or any other state. To become eligible, the person must surrender the Real ID or non-Real ID driver license, driver permit or identification card before DMV may issue the Oregon Real ID driver license or driver permit. If the person's Real ID or non-Real ID driver license or driver permit 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.¶

~~(5) A person 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 Real ID driver license or driver permit if the applicant for driving privileges answers "yes" to any of the following questions:¶~~

~~(a) When the person is unable to pass a DMV vision screening: "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) "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?"¶~~

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

~~(6) A person who is denied issuance or renewal of driving privileges or replacement of a Real ID driver license or driver permit under section (5) 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 ORS 807.090 or both, as determined by DMV. The requirement may be waived if DMV determines the application was completed in error and the person is eligible for driving privileges.¶~~

~~(7) Upon receipt of an application for a Real ID 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) 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 NDR/PDPS, CDLIS and SPEXS/S2S indicates the applicant's driving privilege is not fully valid.¶~~

~~(9) DMV will not issue driving privileges to a person until the person's driving privilege is 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 non-commercial Real ID driver license to a person whose CDL driving privileges are not valid as long as the applicant is eligible for a regular Class C non-commercial or equivalent driving privilege.¶~~

~~(10) DMV will not issue a Real ID permit to a person who is applying for a Commercial Learners Permit, Motorcycle Instruction Permit, Emergency Permit, or Special Student Permit.¶~~

~~(11) A Real ID driver license 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 February 28 if the expiration year is not a leap year.¶~~

~~(12) After determining that an applicant has met all requirements under this rule, DMV will issue the Real ID driver license or driver permit and mail it to the address provided by the applicant at the time of the application.¶~~

~~(13) DMV will issue to an applicant who has provided proof of lawful status in the United States on a temporary basis, as described in OAR 735-062-0022(6), a Real ID driver license expiring on the date the applicant is no longer authorized to stay in the United States, as indicated by the document the applicant presented as proof of lawful status, but no longer than eight years from the date of issuance, or if there is no definite end to the authorized stay, for a period of one year.¶~~

~~(14) DMV will issue an applicant who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of lawful status as set forth in OAR 735-062-0022(5), a Real ID 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, 807.455, 807.480, Or Laws 2018, ch. 60, sec. 3, Or Laws 2019, ch. 312 sec. 34, 6 CFR 37.11, 6 CFR 37.17, 6 CFR 37.21, 6 CFR 37.29~~

~~Statutes/Other Implemented: ORS 807.021, 807.040, 807.060, 807.066, 807.130, 807.455, 807.480, Or Laws 2018, ch. 60, sec. 3, PL 116-260 (2020)~~

RULE SUMMARY: DMV amended this rule because applicants will no longer be self-reporting problem conditions on the application for driving privileges. DMV removed the portion of the rule regarding sufficient information for DMV to take action in the non-mandatory program when someone self-reports a problem condition or impairment.

CHANGES TO RULE:

735-076-0005

Reporting Requirements ¶¶

- (1) In order for DMV to process a non-mandatory report that indicates a person may no longer be qualified for driving privileges or may no longer be able to safely operate a motor vehicle, the report must be in writing and contain:¶¶
- (a) The name of the person making the report;¶¶
 - (b) Either:¶¶
 - (A) The signature of the person making the report, including a police officer; or,¶¶
 - (B) The police officer's employing law enforcement agency and Department of Public Safety Standards and Training (DPSST) number when the person making the report is a police officer;¶¶
 - (c) The name and date of birth of the person being reported or a description of the person sufficient for DMV to identify the reported person from its records; and¶¶
 - (d) Sufficient information to give DMV reason to believe the person may no longer be qualified to hold a driver license, driver permit, or endorsement or may no longer be able to drive safely. For purposes of this rule, sufficient information includes but is not limited to:¶¶
 - (A) A physician or health care provider report of a physical or mental condition or impairment that is not reportable as required under OAR chapter 735 division 74;¶¶
 - (B) A report of a physical or mental condition or impairment, and a description of how the person's ability to safely operate a motor vehicle is affected; or a description of unsafe or dangerous driving behavior;¶¶
 - (C) A report by a police officer, physician or health care provider where a physical or mental condition or impairment is stated as a cause or possible cause of a crash or unsafe or dangerous driving behavior; or¶¶
 - (D) A self-report on a driver's license/permit issuance, renewal or replacement application of a vision problem affecting driving and failure to pass a DMV administered vision screening;¶¶
 - (E) A self-report on a driver's license/permit issuance, renewal or replacement application of a mental or physical condition or impairment affecting the person's ability to drive safely;¶¶
 - (F) A self-report on a driver's license/permit issuance, renewal or replacement application of a problem condition involving alcohol, cannabis, inhalants or controlled substances affecting the person's ability to drive safely; or¶¶
 - (G) A report of unsafe or dangerous driving behavior and DMV has reason to believe the driving behavior is likely to recur or similar driving behavior has previously been reported to DMV.¶¶
- (2) All written documentation voluntarily submitted under this rule, including the name of the person submitting the documentation, will be kept confidential and not released to any person unless:¶¶
- (a) The report was submitted by a police officer or judge acting within the scope of his or her official duties;¶¶
 - (b) DMV determines the documentation, or any portion thereof, must be released pursuant to the Public Records Law, ORS 192.410 to 192.505, or the Attorney General or a court orders disclosure in accordance with the Public Records Law; or¶¶
 - (c) The documentation is determined by DMV to be necessary evidence in an administrative proceeding involving the suspension or cancellation of the person's driving privileges or right to apply for driving privileges.¶¶
- (3) Before taking action, DMV may request more information from the person making the report if DMV has reason to believe the information provided is inaccurate or inadequate.¶¶
- (4) DMV may accept and process multiple reports regarding similar behavior, similar concerns or the same event; if the reports, taken together, include all required elements as described in section (1) or this rule.

Statutory/Other Authority: ORS 184.619, 802.010, 807.340, 809.419

Statutes/Other Implemented: ORS 807.340

RULE SUMMARY: DMV amended this rule because applicants will no longer be self-reporting problem conditions on the application for driving privileges. DMV removed the language regarding self-reports from applicants on the application.

CHANGES TO RULE:

735-076-0007

DMV Response to Non-Mandatory Report ¶¶

DMV will review a non-mandatory report meeting the requirements under OAR 735-076-0005 to determine the appropriate action to take, which may include any or all of the following:¶¶

(1) No action if the report does not give DMV reason to believe the person being reported is no longer qualified to hold a driver license, driver permit, or endorsement or is no longer able to drive safely. This includes a report from a physician or health care provider indicating the condition or impairment is not likely to recur or does not affect the person's ability to drive safely, or a report of driving behavior that reports a single incident with no indication of a mental or physical condition or impairment affecting the person's ability to safely drive.¶¶

(2) The person may be required to reestablish eligibility by passing DMV tests under ORS 807.070 when the report is one or more of the following:¶¶

(a) A report of a mental or physical condition or impairment that may affect the person's ability to safely operate a motor vehicle, not including a loss of consciousness or control or a problem condition involving alcohol, inhalants or controlled substances;¶¶

(b) A report of unsafe or dangerous driving behavior only; or¶¶

(c) The person was reported as described in 735-076-0005(1)(d)(A) and the report indicates a concern with the person's ability to safely operate a motor vehicle, not including loss of consciousness or control or a problem condition involving alcohol, cannabis, inhalants or controlled substance.¶¶

(3) The person may be required to provide a Certificate of Vision form (DMV form 735-024) when the report is of the following:¶¶

~~(a) Indicates that the person's vision may not meet the vision standards set forth in OAR 735-062-0050;¶¶~~

~~(b) A self-report when answering the question required under 735-062-0007(2)(a);¶¶~~

~~(c) A self-report on a license/permit issuance, renewal or replacement application of a problem condition involving alcohol, cannabis, inhalants or controlled substances that affects the person's ability to drive safely; or,¶¶~~

(4) The person may be required to receive a determination of eligibility from the Medical Determination Officer under ORS 807.090 when the report indicates one or more of the following:¶¶

(a) A loss of consciousness or control is a cause or possible cause of a crash or of unsafe or dangerous driving behavior; or¶¶

~~(b) A self-report when answering the question required under 735-062-0007(2)(b);¶¶~~

~~(c) A self-report when answering the question required under 735-062-0007(2)(c); or¶¶~~

~~(d) A condition or impairment that involves the loss of consciousness or control, or a possible problem condition involving alcohol, cannabis, inhalants or controlled substance, and DMV has reason to believe from the report that the person may no longer be qualified for driving privileges or may no longer be able to safely operate a motor vehicle, including but not limited to:¶¶~~

~~(A) The person was reported as described in 735-076-0005(1)(d)(A) and the report is of a loss of consciousness or control; or a problem condition involving alcohol, cannabis, inhalants or controlled substance;¶¶~~

~~(B) Evidence of continued episodes of loss of consciousness or control despite current treatment; or¶¶~~

~~(C) Evidence of a problem condition involving alcohol, cannabis, inhalants or controlled substances.¶¶~~

(5) An immediate suspension of the person's driving privileges under ORS 809.419(3)(c), when the report provides DMV reason to believe that the person may endanger people or property if not immediately suspended. To regain driving privileges the person will be required to reestablish eligibility for driving privileges which may include taking tests under ORS 807.070, submitting a Driver Medical Report form (DMV form 735-6587) or Certificate of Vision form (DMV form 735-024), or receiving a determination of eligibility from the Medical Determination Officer under ORS 807.090.¶¶

(6) Notwithstanding section (1) of this rule, DMV may respond to multiple reports regarding similar behavior, similar concerns or the same event; as described in section (2) through (5) of this rule. DMV may respond in this manner when the reports, taken together, provide the elements to satisfy the requirements of section (2) through (5) of this rule; and the reports are received within a reasonable time of one another.

Statutory/Other Authority: ORS 184.619, 802.010, 807.340, 809.419

Statutes/Other Implemented: ORS 807.340