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PERMANENT ADMINISTRATIVE ORDER

DMV 21-2023

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-064-0005, 735-064-0040

AMEND: 735-064-0005

NOTICE FILED DATE: 07/25/2023

RULE SUMMARY: DMV amended this rule to change the definition of "necessary services." The new definition of "necessary services" will include driving to and from childcare.

CHANGES TO RULE:

735-064-0005
Definitions ¶¶

As used in Division 64 rules, unless the context requires otherwise:¶¶

- (1) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.¶¶
- (2) "DUII" means driving under the influence of intoxicants.¶¶
- (3) "Fee" means an amount described in ORS 807.370.¶¶
- (4) "IID" means ignition interlock device.¶¶
- (5) "Intoxicants" means intoxicating liquor, cannabis, psilocybin, a controlled substance, an inhalant or any combination of the five.¶¶
- (6) "Immediate family" means the applicant's spouse or partner in a domestic partnership, children, stepchildren, brother, sister, mother, father, mother-in-law, father-in-law, grandmother or grandfather.¶¶
- (7) "Family member" means any of the following relatives who live within the same household as the applicant: the applicant's spouse or partner in a domestic partnership, children, stepchildren, brother, sister, mother, father, mother-in-law, father-in-law, grandmother or grandfather.¶¶
- (8) "Necessary Services" means driving to and from grocery shopping, driving the applicant or the applicant's children to and from school, driving to and from childcare, driving to and from medical appointments and caring for elderly family members.¶¶
- (9) "Care for elderly family member" means driving to and from the residence of the elderly family member.¶¶
- (10) "Oregon resident" means a person who is domiciled in this state as defined by ORS 803.355 or is a resident of this state as defined by ORS 807.062(4) and (5).¶¶
- (11) "Private transportation" means family members, friends or fellow employees who are able to serve the

applicant's transportation needs.¶

(12) "Public transportation" means bus, shuttle or commuter service that is able to serve the applicant's transportation needs.

Statutory/Other Authority: ORS 184.619, 802.010, 807.240, 807.270

Statutes/Other Implemented: ORS 807.240, 813.520

AMEND: 735-064-0040

NOTICE FILED DATE: 07/25/2023

RULE SUMMARY: DMV made amendments to the necessary services section of the rule.

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, can be printed by going to www.oregondmv.com, or an online application can be completed at <https://DMV2U.oregon.gov>; and online application at DMV2U.oregon.gov, as a print-only application from www.oregondmv.com or at any DMV office.¶

(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 a 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: Name of employer, work address and work hours. 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. to 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. Applicants are limited to five treatment or rehabilitation programs for the purposes of the hardship permit, unless the applicant demonstrates the need for additional treatment or rehabilitation programs.¶

(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. ~~to~~ 5 p.m. Monday through ~~Fri~~Sunday) 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) In addition to these requirements, DMV will grant driving privileges for g:~~¶

~~(A) Grocery shopping one day a week (Monday through Sunday), 8:00~~from 8 a.m. to 12 noon or 1:00 p.m. to 5:00 p.m.¶

~~(B) DMV will grant driving privileges for medical appointments two days a week (Monday through Friday), 8:00 a.m. to noon or 1:00 p.m. to 5:00~~to 5 p.m. or 5 p.m. to 9 p.m.¶

~~(C) DMV will grant driving privileges for the care of elderly family member~~Non-regular medical appointments two days a week (Monday through Sunday), ~~8:00 a.m. to 12 noon or 1:00 p.m. to 5:00~~to 5 p.m., unless the applicant demonstrates the need for ~~more frequent care~~attending medical appointments outside these timeframes.¶

(6) An applicant must submit any other information DMV may require for purposes of determining whether the person qualifies under any section of this rule.¶

(7) 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