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CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

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AMEND: 735-010-0110

RULE TITLE: Customer Record for Persons

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: Amended the term "accident" to "collision."

RULE TEXT:

- (1) DMV shall maintain, as part of a customer record, information identifying a person including, but not limited to, the name, residence address and customer number. DMV shall maintain only one customer record per person, except as provided in this section. DMV may have more than one customer record for an individual, if, for example:
- (a) Information the applicant provided when conducting business with DMV is insufficient to either locate an existing customer record for that individual or confirm the applicant is the same individual covered by an existing customer record; or
 - (b) Vehicle records existing prior to DMV's establishment of customer records contain insufficient information to connect that vehicle record to an individual's driving record or driver license, driver permit or identification card record.
- (2) If an individual has no existing customer record or DMV is unable to locate a driving record, DMV shall create a customer record and shall assign the individual a customer number when the individual conducts business with DMV or when Oregon law requires the Department of Transportation to maintain a record. If the individual has been issued an Oregon driver license, driver permit or identification card, DMV shall use the number assigned to that document as the customer number.
- (3) In accordance with ORS 802.200(9) DMV shall maintain a driving record on:
- (a) Every person who is granted driving privileges under a driver license, driver permit, or a statutory grant of driving privileges under ORS 807.020;

- (b) Every person whose driving privileges have been suspended, revoked, or canceled under the Oregon Vehicle Code;
 - (c) Every person who has filed a collision report under ORS 811.725 or 811.730; and
 - (d) Every person who is required to provide future responsibility filings under ORS 806.200, 806.220, 806.230, or 806.240.
- (4) DMV shall record on the non-employment driving record a conviction for any:
- (a) Traffic crime;
 - (b) A crime that involves the operation of a motor vehicle if that offense results in the suspension or revocation of driving privileges;
 - (c) A traffic violation that leads to a suspension of driving privileges; and
 - (d) An offense described in OAR 735-064-0220.
- (5) DMV shall record on the employment driving record any conviction described in section (4) of this rule, unless otherwise prohibited by ORS 802.200.
- (6) In accordance with ORS 802.200(9)(e), at the time a person is issued a commercial driving privilege in Oregon, the record received by DMV from another jurisdiction shall become part of the person's driving record in this state. Any convictions from the other jurisdiction's driving record will be transferred to the person's Oregon driving record using the AAMVAnet Code Dictionary (ACD) code.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 802.200

STATUTES/OTHER IMPLEMENTED: ORS 802.200, 802.260, 803.220, 807.050, 807.420, 807.560, 821.080

AMEND: 735-010-0220

RULE TITLE: Requests for Personal Information Resulting from the Unsafe Operation of a Motor Vehicle

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: Amended "Accident" to "Collision."

RULE TEXT:

(1) To qualify to receive personal information under ORS 802.179(17), a person must submit a copy of one of the following reports, or if the person does not have a copy, information that enables DMV to locate such report if it has been filed with DMV. The report must contain information showing that the person was physically injured or that property they own was damaged as the result of the unsafe operation of a vehicle:

(a) A police crash report;

(b) A police incident report; or

(c) An Oregon Traffic Collision and Insurance Report filed with DMV under ORS 811.720.

(2) Except as otherwise provided by rule or law, a person who qualifies for personal information under section (1) of this rule shall be eligible to obtain:

(a) Personal information about any owner, driver or occupant of a vehicle involved in the unsafe operation and identified from the police crash report, the police incident report or the Oregon Traffic Collision and Insurance Report provided to DMV; and

(b) Personal information about any witness to the unsafe operation listed on the police crash report, the police incident report or the Oregon Traffic Collision and Insurance Report provided to DMV.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 192.324, 802.010, 802.179, 802.183

STATUTES/OTHER IMPLEMENTED: ORS 802.179

ADOPT: 735-050-0004

RULE TITLE: Definitions

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV adopted this rule to clearly state that ODOT uses the terms "accident," "collision," and "crash" interchangeably in its rules, when using the terms in relation to the Oregon Vehicle Code, ORS chapters 801 to 826, unless context suggests otherwise.

RULE TEXT:

For purposes of implementing various provisions of the Oregon Vehicle Code, ORS chapters 801 to 826, referring to an event involving a vehicle, the terms "accident," "collision," and "crash" have the same meaning, unless context suggests otherwise.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010

STATUTES/OTHER IMPLEMENTED: 802.220, 802.240, 811.700, 811.705, 811.710, 811.720, 811.725, 811.730, 811.735, 811.740, 811.745, 811.748, 811.750

ADOPT: 735-050-0005

RULE TITLE: Collision Reporting to DMV

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV adopted this rule to clearly list the two methods a person may use to submit a collision report (also known as an "accident report") to DMV.

RULE TEXT:

A person required to submit a collision report under ORS 811.720 must complete and submit either of the following reports to DMV:

- 1) An Oregon Traffic Collision and Insurance Report (DMV form 735-32); or
- 2) A DMV2U eCollision Report located on DMV's website (https://dmv2u.oregon.gov/eServices/_/).

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 811.725

STATUTES/OTHER IMPLEMENTED: ORS 811.720, 811.725

AMEND: 735-050-0010

RULE TITLE: Proof that a Collision is Not Reportable

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to change the term "accident" to "collision" in alignment with Oregon laws 2024, Chapter 63 (SB 1574).

RULE TEXT:

(1) ORS 811.720 establishes when a collision must be reported to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV). If one person reports a collision and provides information that another party must report the collision, the second party may dispute the circumstances of the collision and the requirement to report to DMV. DMV must suspend driving privileges if a party involved in a collision fails to file a collision report when required.

(2) If DMV issues a suspension notice resulting from information that a party involved in a collision has failed to file a collision report as required, the party may provide proof to the DMV Accident Reporting Unit that the collision is not reportable. Proof of vehicle damage or injury must apply only to the party's vehicle or its occupants. Acceptable proof includes, but is not limited to, the following:

(a) A repair bill or estimate from an automotive repair business or statement from an insurance company responsible for paying the damage claim, showing damage to the party's vehicle is less than \$2500;

(b) A repair bill or estimate, statement from an insurance company responsible for paying the damage claim or a statement from the owner of the property, showing damage to property other than a vehicle involved in the collision is less than \$2500;

(c) The party's sworn statement that their vehicle was not towed from the collision scene. The statement must be notarized; or

(d) The party's sworn statement or a statement from the insurance company responsible for the damage claim that no person in the party's vehicle was injured as a result of the collision. The party's statement must be notarized.

(3) After reviewing the information provided, DMV will send a notice to the party stating whether or not a collision report must be filed with DMV.

(4) If DMV determines that the collision was not reportable for the party, DMV will stop or rescind any proposed suspension of the party's driving privileges.

(5) If DMV determines that the collision was not reportable for any party involved, DMV will remove the collision from the driving record of each party.

(6) For purposes of this rule, "party" means the driver or owner of a vehicle involved in a collision caused by the motion of a vehicle or its load that occurs on any highway or premises open to the public, or any premises adjacent to a highway or premises open to the public.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010

STATUTES/OTHER IMPLEMENTED: ORS 809.417, 811.720, 811.725, 811.730

AMEND: 735-050-0055

RULE TITLE: Proof of Compliance with Financial Responsibility Requirements

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to change the term "accident" to "collision" in alignment with Oregon laws 2024, Chapter 63 (SB 1574).

RULE TEXT:

(1) This rule specifies the information that constitutes satisfactory proof of compliance with financial responsibility requirements for the purposes of vehicle registration renewal under ORS 803.460 and collision reporting under ORS 811.725.

(2) For the purposes of ORS 803.460 and ORS 811.725, DMV shall accept any one the following as proof of compliance with financial responsibility requirements:

(a) The name of the insurer issuing policy and the policy number, the insurance producer's binder number, or any other number that identifies the policy.

(b) A valid certificate of self-insurance as established in ORS 806.130.

(c) Information that a motor vehicle liability insurance policy has been issued for a vehicle applying for renewal of registration, submitted by insurers under ORS 742.580, 806.195, and OAR 735-050-0131, unless DMV has reason to believe that the information is incorrect, outdated, or the policy has been cancelled or not renewed.

(3) Nothing in this rule shall prevent DMV:

(a) From requiring an applicant for vehicle registration renewal to provide proof of compliance with financial responsibility requirements, as set forth in ORS 803.460(1); and

(b) From using any information submitted by insurers under ORS 742.580, 806.195 and OAR 735-050-0131, to verify the accuracy of any proof of compliance with financial responsibility requirements submitted by the owner of a vehicle, or for any other purpose related to enforcement of compliance with financial responsibility requirements.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 803.460, 806.180

STATUTES/OTHER IMPLEMENTED: ORS 803.370, 803.460, 806.180, 811.725

AMEND: 735-050-0070

RULE TITLE: Suspensions for Uninsured Accidents

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to change the term "accident" to "collision" in alignment with Oregon laws 2024, Chapter 63 (SB 1574).

RULE TEXT:

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will suspend the driving privileges and right to apply for driving privileges of any person if the person is involved in any motor vehicle accident at any time when DMV determines the person has been driving uninsured.

(2) DMV will determine that a person was the driver of a vehicle involved in an accident if DMV receives a report to that effect from the police, an insurance carrier or insurance producer (agent), or any other person involved in the accident.

(3) If the accident must be reported to DMV, DMV will determine that a person was involved in an accident while driving uninsured if:

(a) The person does not respond to DMV's request for a collision report;

(b) The person does not respond to DMV's request for both the name of the insurance carrier and the policy number that covered the person's operation of the vehicle at the time of the accident; or

(c) The insurance carrier the person stated he or she was insured with denies coverage for the accident.

(4) DMV will grant a pre-suspension hearing under ORS 809.440(1), upon timely request, to any person whose driving privileges are suspended as described in section (1) of this rule. The suspension will not take effect pending the outcome of the hearing and DMV will impose the suspension if the administrative law judge affirms the suspension following the hearing.

(5) Once a suspension described in section (1) of this rule takes effect, DMV will rescind the suspension if the person supplies the name of an insurance carrier and policy number that covered the person's operation of the vehicle at the time of the accident.

(6) DMV will again suspend the driving privileges if the suspension was rescinded under section (5) and the insurance carrier subsequently denies coverage for the accident. The person will be eligible for full reinstatement of driving privileges one year from the new suspension date.

EXCEPTION: DMV shall subtract time served under the original uninsured accident suspension from the one-year suspension period.

STATUTORY/OTHER AUTHORITY: 184.619, 802.010, 809.417

STATUTES/OTHER IMPLEMENTED: ORS 809.417

AMEND: 735-050-0080

RULE TITLE: Financial Responsibility Verification Program

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to change the term "accident" to "collision" in alignment with Oregon laws 2024, Chapter 63 (SB 1574).

RULE TEXT:

(1) DMV randomly selects motor vehicles for financial responsibility verification. The total number randomly selected each year will not exceed ten percent of the motor vehicles registered in Oregon that are subject to verification.

(2) In addition to randomly selecting motor vehicles under section (1) of this rule, DMV may select persons for verification of financial responsibility requirements if:

(a) A vehicle is registered to a person who has been convicted of violating ORS 806.010;

(b) A vehicle is registered to a person who has submitted certifications of compliance with financial responsibility requirements that have previously been found to be incorrect; or

(c) DMV has reasonable grounds to believe that the person is in violation of financial responsibility requirements. DMV's determination of reasonable grounds is based on one or more of the following:

(A) Written statements from police, insurance carriers, insurance producers (agents), and the public;

(B) Any admission to DMV by the owner of an Oregon-registered vehicle that the vehicle is not insured;

(C) Receipt by DMV of any record from another jurisdiction that the owner of any Oregon-registered vehicle was convicted of driving uninsured, regardless of the vehicle driven at the time of offense;

(D) Receipt by DMV of any record from another jurisdiction indicating that an Oregon-registered vehicle was driven without insurance, regardless of who was driving the vehicle;

(E) Statements made during an administrative hearing by a driver or owner of a vehicle that the Oregon-registered vehicle was driven while uninsured;

(F) No record of submission from an insurance carrier, pursuant to ORS 742.580, 806.195 and OAR 735-050-0131, that a motor vehicle liability insurance policy has been issued; or

(G) No record of submission of proof of compliance with financial responsibility requirements following a reportable collision pursuant to ORS 811.725.

(3) DMV will use a written statement as identified in section (2)(c)(A) of this rule as a basis for a financial responsibility notice of verification only if the person making the statement does all of the following:

(a) Signs and dates the request;

(b) Identifies the vehicle that the person believes is being operated in violation of financial responsibility requirements; and

(c) Explains why the person believes the vehicle is being operated in violation of financial responsibility requirements and includes facts that would cause a reasonable person to believe the vehicle is being operated in violation of financial responsibility requirements.

(4) DMV will send all registered owners of a selected motor vehicle a notice of verification that the selected vehicle was insured on a specified date. The request for verification will explain that within 30 days of the date DMV sends the notice of verification, at least one registered owner must respond to DMV's notice of verification by:

(a) Certifying that, as of the date specified in the notice, the selected vehicle was in compliance with financial responsibility requirements as described in ORS 806.060 and 806.080; or

(b) Filing an SR-22 insurance certificate.

(5) DMV will suspend the driving privileges or right to apply for driving privileges under ORS 806.220(1)(a) and 809.415(3)(a) of any person who fails to make a future responsibility filing by failing to provide sufficient proof of compliance with financial responsibility requirements. Failure to provide sufficient proof of compliance includes but is not limited to:

(a) Failing to respond to DMV's notice requesting verification within 30 days of the date DMV sends the notice, as

required by section (4) of this rule;

(b) Responding to DMV's notice of verification in a manner leading DMV to determine the vehicle was not in compliance with financial responsibility requirements as of the date of the notice of verification; or

(c) Falsely certifying proof of compliance with financial responsibility requirements.

(6) DMV will withdraw the notice of proposed suspension of all registered owners of the selected vehicle upon receipt of proof of compliance from any of the registered owners.

(7) DMV will forward proof of compliance submitted by a registered owner to the listed insurer for the purpose of requesting verification that the proof of compliance provided is correct.

(8) If the information provided by the person is not correct, the insurer must respond to DMV's request to verify the registered owner's proof of compliance within 30 days of the date DMV sends the request to the insurer.

(9) DMV will issue a Notice of Suspension to all registered owners of the vehicle upon DMV's receipt of notice from an insurer demonstrating that the proof of compliance with financial responsibility requirements under ORS 806.150 and 811.725 is not correct.

(10) A person who is initially denied coverage by an insurer may provide DMV with additional proof of compliance in the form of an official statement, written on the insurance company's letterhead and signed by an authorized employee of that insurer, indicating the vehicle was covered as of the date of the verification request.

(11) A person who fails to make a future responsibility filing after failing verification or who falsely certifies compliance with financial responsibility requirements is entitled to a pre-suspension hearing in accordance with ORS 809.440(1) and 809.415. If no pre-suspension hearing is held, a person may be entitled to a post-imposition hearing in accordance with ORS 809.450.

(12) DMV may withdraw an SR-22 requirement for a person who responds to DMV's request for verification in a manner leading DMV to determine the selected vehicle was not in compliance with financial responsibility requirements as of the date of the notice of verification, or who was denied coverage by an insurance company, if DMV determines that there is sufficient reason for the vehicle not to be covered by insurance on the date specified on the request. Sufficient reason includes, but is not limited to:

(a) The vehicle is covered by a valid liability policy but the policy only covers the vehicle for a specified period or is limited based on mileage;

(b) The vehicle was removed from an insurance policy during a period of extended storage; or

(c) The vehicle is not operable for an extended period that includes the date specified on the request for verification.

(13) DMV's Withdrawal of an SR-22 requirement under a condition described in section (12) of this rule must be supported by:

(a) Documents from the insurance carrier indicated in the owner's response to DMV's request for verification;

(b) A signed, written statement on the insurance company's letterhead from an employee of the insurance carrier described in the owner's response to DMV's request for verification;

(c) Documents, including pictures of the vehicle or receipts from an auto-part store or mechanic, which demonstrate the vehicle was undergoing repairs; or

(d) Other documents that DMV determines affirm the owner's assertion that the owner's vehicle meets one of the circumstances described in section (12) of this rule.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 806.150, 806.230, 806.245, 809.415

STATUTES/OTHER IMPLEMENTED: ORS 806.050, 806.150, 806.170, 806.220, 809.440, 809.450

AMEND: 735-064-0100

RULE TITLE: Hardship Permit Restrictions

NOTICE FILED DATE: 08/29/2024

RULE SUMMARY: DMV amended this rule to change the term "accident" to "collision" in alignment with Oregon laws 2024, Chapter 63 (SB 1574).

RULE TEXT:

(1) The driving privileges of a person issued a hardship permit is restricted to do all of the following:

(a) The person must not drive outside the hardship permit driving restrictions;

(b) The person must not be convicted of or forfeit bail for more than one traffic offense listed in ORS 809.600(2)(b) (including city traffic offenses and similar offenses under federal or state law) within any 12-month period. See OAR 735-064-0220 for a list of offenses and statutory references;

(c) The person must not be convicted of or forfeit bail for an offense as specified in ORS 809.600(1)(a) through (g). These offenses are: murder, manslaughter, criminally negligent homicide, assault, recklessly endangering another person, menacing, or criminal mischief resulting from the operation of a motor vehicle; reckless driving, driving while under the influence of intoxicants, failure to perform the duties of a driver involved in a collision, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer, aggravated vehicular homicide or aggravated driving while suspended or revoked;

(d) The person must not use intoxicants and drive;

(e) The person must not refuse to submit to a chemical breath test, blood test or urine test;

(f) The person must not be convicted of or forfeit bail for an offense under ORS 811.170 or 811.481; or

(g) The person must not falsify any information appearing on the Hardship Application.

(2) The person required to have an IID must not violate any of the following conditions:

(a) Drive any vehicle which does not have an IID installed unless the person is exempted by statute and administrative rule or the use of the specific vehicle is excepted by statute and administrative rule;

(b) Drive a vehicle owned or leased by the person's employer without an IID unless the person is carrying a copy of an employer's exception letter, Employer IID Exception form or medical exemption letter in his or her possession;

(c) Tamper with the IID; or

(d) Solicit another person to blow into the IID.

(3) Evidence that a restriction or condition has been violated includes, but is not limited to the following:

(a) Police reports;

(b) Collision reports;

(c) Written reports from family members or the general public;

(d) A written report which indicates the person has driven outside the hardship permit restrictions;

(e) A written report which indicates the person has been driving after using intoxicants;

(f) A written report from a police officer that indicates the person has refused the chemical breath test, blood test or urine test following an arrest for driving under the influence of intoxicants;

(g) A report from a police officer;

(h) A court conviction; and

(i) A written report from an IID provider that the person has tampered with the IID installed in his or her vehicle.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.240

STATUTES/OTHER IMPLEMENTED: ORS 807.240, 813.100, 813.602, 813.606, 813.610, 813.614