



PERMANENT ADMINISTRATIVE ORDER

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CHAPTER 735

DEPARTMENT OF TRANSPORTATION

DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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FILING CAPTION: Eligibility, Issuance, Renewal, and Validity Period of Hardship Driver Permits.

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RULES:

735-064-0040, 735-064-0070, 735-064-0080

AMEND: 735-064-0040

RULE TITLE: Application Requirements for a Hardship Permit

NOTICE FILED DATE: 09/25/2025

RULE SUMMARY: DMV proposes amending this rule to reflect new statutory language. In addition to the current list of people eligible for a hardship permit, the law now states that a person may apply for a hardship permit when they are eligible for reinstatement of driving privileges, required to provide proof of treatment to the department under Oregon Revised Statutes (ORS) 813.022, and required by law to install and use an ignition interlock device (IID) on any vehicle they operate. Additionally, DMV proposes to amend the rule to update the language so it clearly states how a person may obtain and submit a hardship permit application and supporting documentation. DMV is also updating the information a person must provide when applying for a hardship permit that includes driving restrictions for regular medical appointments for either the applicant or the applicant's immediate family. Finally, DMV proposes changes to clarify current processes or statutory requirements within the rules.

RULE TEXT:

(1) An Oregon resident may apply for a hardship permit when:

(a) The person's driving privileges are suspended, or revoked under ORS 809.600 as a habitual offender; or

(b) The person is:

(A) Eligible for reinstatement of driving privileges;

(B) Required to provide proof of treatment to the department under ORS 813.022; and

(C) Required by law to install and use an ignition interlock device on any vehicle the person operates.

(2) 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; or

- (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.
- (3) 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 section of this rule that applies to the applicant's suspension, revocation or combination of suspension(s) and revocation(s). All applicants must:
- (a) Submit an application for a hardship permit. The application is available online at DMV2U.oregon.gov or as a print-only form (DMV Form 735-6044) from www.oregondmv.com or any DMV office.
- (b) Pay the hardship permit application fee and the reinstatement fee.
- (4) 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 applicant 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.
- (5) An applicant for a hardship permit must submit an SR-22 insurance certificate or other proof of compliance as described in ORS 806.240. The SR-22 insurance certificate for an applicant whose driving privileges are suspended for a DUI conviction must show at least the minimum coverage amounts specified in ORS 806.075.
- (6) 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 applicant'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, 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: A statement signed by a licensed physician or licensed nurse practitioner that indicates that the applicant or a member of the applicant's immediate family requires medical treatment on a regular basis, along with 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 Sunday) and within the state of Oregon for an applicant to obtain regular medical treatment for the applicant or a member of the applicant's immediate family while on a hardship permit, unless the applicant 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. In addition to these requirements, DMV will grant driving privileges for:
- (A) Grocery shopping one day a week (Monday through Sunday), from 8 a.m. to 12 noon, 1:00 p.m. to 5 p.m. or 5 p.m. to 9 p.m.

(B) Non-regular medical appointments two days a week (Monday through Sunday), 8 a.m. to 12 noon or 1:00 p.m. to 5 p.m., unless the applicant demonstrates the need for attending medical appointments outside these timeframes.

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

(8) 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: 735-064-0070

RULE TITLE: Ignition Interlock Device (IID) Requirement for Issuance of Hardship Permits

NOTICE FILED DATE: 09/25/2025

RULE SUMMARY: DMV proposes amending this rule to remove language that limits who is eligible for a hardship permit. This change is necessary because SB 840 (2025) permits additional people to apply for hardship permits. DMV is also proposing to update the rule to clarify that, when a person who was previously issued a hardship permit and is subsequently required to install an IID due to new information added to the person's driving record, DMV will suspend the person's hardship permit as described in OAR 735-064-0110. Lastly, DMV is making other changes to the rule to clarify language and update references.

RULE TEXT:

- (1) A person who applies for a hardship permit or a person issued a hardship permit must install an IID in any vehicle operated by the person if the person's driving record shows any of the following:
 - (a) A current suspension based on a conviction for DUI in an Oregon court; or
 - (b) A current IID required:
 - (A) As a condition of a DUI diversion agreement;
 - (B) By ORS 813.602(1) or (2) following the end of a suspension or revocation of driving privileges based on a conviction for DUI or any crime that carries a statutory minimum one-, two- or five-year IID requirement; or
 - (C) As a result of DMV not receiving an IID No Negative Certificate (Oregon State Police Form 257-0007) that would end the applicant's IID requirement.
- (2) As a condition of a hardship permit, the IID must be installed, maintained and used in any vehicle the person operates for the duration of the person's IID requirement. The IID requirement may exceed the period the person's permit is valid.
- (3) When installation of an IID is required, DMV will not issue a hardship permit to the person until a provider submits an installation report form showing an approved device has been installed in each vehicle the person intends to operate during the permit period.
- (4) When a person who has been issued a hardship permit is required to install an IID due to information added to the person's driving record after the hardship permit was issued, DMV will suspend the person's hardship permit as described in OAR 735-064-0110.
- (5) Notwithstanding section (1) of this rule, DMV may issue a hardship permit to a person who has not installed an IID if the person will only operate a vehicle(s) owned or leased by their employer during the course and scope of the person's employment. For purposes of ORS 813.606, DMV will place a notation on the hardship permit issued to the person that the person's employer has been informed of the IID requirement. The applicant must submit:
 - (a) A letter on business letterhead, signed by the employer, stating that the employer has been informed of the IID requirement and that the person is required to operate the employer's vehicle(s) in the course and scope of employment; or
 - (b) An Employer IID Exception form (DMV Form 735-6874) completed by the employer.
- (6) For purposes of ORS 813.606, a person who is self-employed is not an employee and DMV will not place an employer IID exception notation on the person's driving record.
- (7) Notwithstanding section (1) of this rule, DMV may issue a hardship permit to a person who has not installed an IID if the person has been issued a medical exemption under OAR 735-070-0082.
- (8) The hardship permit will contain a restriction that the person may only operate vehicles equipped with an IID. If the person operates a vehicle owned or leased by the person's employer in the course and scope of employment or has been issued a medical exemption, the hardship permit driving restrictions will state that the person must have in their possession a copy of the employer's IID exception letter, a completed DMV Employer IID Exception form, an IID medical exemption letter issued by DMV, or an IID medical exemption approval issued by a court.
- (9) The IID restriction in a hardship permit will specify the length of time allowed for the person to travel to and from an

IID provider's facility to have the IID calibrated as defined in OAR 257-100-0055.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.240, 813.602

STATUTES/OTHER IMPLEMENTED: ORS 807.240, 813.602, 813.606

AMEND: 735-064-0080

RULE TITLE: How the Hardship Permit Is Issued

NOTICE FILED DATE: 09/25/2025

RULE SUMMARY: DMV proposes to amend this rule to clarify that DMV may print an approved hardship permit at any DMV office for the person who applied for the permit, clarify when a hardship permit is no longer valid, and clarify how a hardship permit holder can renew a hardship permit.

RULE TEXT:

- (1) DMV will mail a hardship permit to the address the applicant submitted on the applicant's hardship permit application, or DMV may print a hardship permit for the applicant at any DMV office, when all of the documents are received by DMV and a hardship permit is approved.
- (2) A replacement license is included in the fee for the hardship driver permit application imposed under ORS 807.370(1)(L). The applicant must apply for and pay the applicable driver license renewal or original issuance fee set forth in ORS 807.370 to renew a driver license or to be issued an original driver license.
- (3) A Real ID issued under this section shall be subject to any fee imposed under ORS 807.460.
- (4) The hardship permit will contain specific restrictions applicable to the applicant. The person must carry the hardship permit in addition to a valid driver license at all times while driving.
- (5) Notwithstanding OAR 735-064-0110, a hardship permit is valid until one of the following occurs, whichever comes first:
 - (a) The end date of the suspension or revocation, if the permit holder was eligible for a hardship permit as provided in OAR 735-064-0040(1)(a);
 - (b) The date the permit holder provides proof of treatment or is no longer required to provide proof of treatment to DMV under ORS 813.022, if the permit holder was eligible for a hardship permit as provided in OAR 735-064-0040(1)(b);
 - (c) The date the permit holder is no longer required to install and use an IID on any vehicle the person operates, if the permit holder was eligible for a hardship permit as provided in OAR 735-064-0040(1)(b);
 - (d) The end date of the hardship permit, if the permit was issued for the purposes of seeking employment under OAR 735-064-0060(5); or
 - (e) The expiration date of the person's driver license.
- (6) A hardship permit holder must pay a renewal fee to extend the expiration date of a hardship permit. The fee upon renewal of a hardship driver permit is the same fee as that charged for renewal of a driver license under ORS 807.370(5)(a).
- (7) If a hardship permit holder is renewing a driver license and the person's hardship permit is valid until the expiration date of the person's driver license as provided in section (5) of this rule, DMV will charge one renewal fee for the driver license to renew both the driver license and the hardship permit.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.240

STATUTES/OTHER IMPLEMENTED: ORS 807.240