



TEMPORARY ADMINISTRATIVE ORDER

INCLUDING STATEMENT OF NEED & JUSTIFICATION

DMV 32-2026

CHAPTER 735

DEPARTMENT OF TRANSPORTATION

DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Undercover Criminal Investigation Registration Plates

EFFECTIVE DATE: 10/08/2026 THROUGH 04/05/2027

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NEED FOR THE RULE(S):

DMV must adopt temporary rules to ensure the proper administration of the undercover vehicle registration program under ORS 805.060, which authorizes DMV to issue regular series registration plates to law enforcement agencies to carry out their undercover criminal investigation duties. Recent internal review identified gaps and ambiguities in existing administrative rules regarding eligibility, required documentation, certification of authorized use, and the conditions under which DMV may cancel or refuse renewal of an undercover vehicle registration. The absence of clear rule language increases the risk of misuse of undercover registration plates for civil enforcement purposes, inconsistent application of statutory requirements, and uncertainty for law enforcement agencies seeking to register vehicles under ORS 805.060.

Temporary rulemaking is needed to provide immediate clarity until permanent rulemaking can be completed. These rules establish uniform application requirements, ensure agencies certify the statutorily authorized criminal investigation use of undercover vehicle registration plates, and set out DMV's authority to cancel or refuse renewal of registration when misuse of registration plates is identified or inaccurate information is provided. This temporary rule is necessary to support statutory compliance, promote program integrity, and ensure that undercover registration plates are used solely for undercover criminal investigation duties as required by law.

JUSTIFICATION OF TEMPORARY FILING:

DMV has identified a gap that exists in DMV's Oregon Administrative Rules governing undercover vehicle registrations, and immediate action is necessary to prevent ongoing risks to both DMV and the public. Without clear requirements for issuance, renewal, certification, and cancellation, DMV cannot effectively ensure that undercover registration plates are used exclusively for undercover criminal investigation duties as required by ORS 805.060. This lack of clarity allows misuse to occur and leaves DMV without the ability to take timely corrective action.

If temporary rules are not adopted now, law enforcement agencies will continue operating under inconsistent expectations, increasing the likelihood that undercover plates are used for unauthorized purposes, including civil enforcement. Such misuse threatens public trust and may expose individuals to enforcement actions conducted without proper legal transparency or oversight. The public could face covert enforcement activity beyond what the law permits, creating serious prejudice to public interest and confidence in law enforcement integrity.

Immediate temporary rulemaking will mitigate these risks by establishing clear, enforceable standards that define lawful use, required certifications, and DMV's authority to cancel registration or refuse registration renewals when misuse of registration plates is identified or inaccurate information is provided. These temporary rules provide essential safeguards while permanent rulemaking is completed, ensuring the undercover program issues registration plates for use within statutory parameters and protects the public from harm.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

DMV did not rely on any documents for this rulemaking.

ADOPT: 735-040-0150

RULE TITLE: Vehicle Operated for Purposes of Undercover Criminal Investigation

RULE SUMMARY: DMV is adopting this temporary rule to immediately establish clear, enforceable standards that ensure undercover vehicle registrations are issued, used, and managed in strict compliance with statutory requirements.

RULE TEXT:

(1) For vehicles principally operated in the State of Oregon, a federal, state, county, city or Tribal nation law enforcement, parole or probation agency may apply to DMV for initial or renewal of vehicle registration with standard registration plates under the undercover registration program described in ORS 805.060. To apply, an applicant must submit all of the following:

- (a) A completed Application for Registration, Renewal, Replacement or Transfer of Plates and/or Stickers, DMV form, 735-268.
- (b) Proof of ownership of the vehicle, which includes;
 - (A) A copy of a title in the name of the agency;
 - (B) An Oregon title number that DMV records show the agency as the owner;
 - (C) A copy of an MCO assigning ownership to the agency; or
 - (D) Any other documentation that provides proof sufficient for DMV to verify ownership.
- (c) A completed Certification, DMV Form 735-7343A, to certify that the vehicle will be used exclusively for "discharging undercover criminal investigation duties," as authorized by ORS 805.060, and will not be used for any civil enforcement purpose.
- (d) Payment of all required fees.
- (e) If not exempt from the requirements to comply with certificates of compliance for pollution control equipment by ORS 815.300, certification that the vehicle complies with the requirements for pollution control equipment under ORS

815.310.

(2) DMV shall issue an initial registration with registration plates and stickers, or renew an existing registration under this rule when the law enforcement, parole or probation agency submits the documentation, fees, and certification required in section (1) of this rule.

(3) DMV may cancel or refuse to renew an undercover vehicle registration if DMV determines that any information provided in the application is inaccurate, incomplete, or false, or if the vehicle is used for any purpose other than undercover criminal investigation duties as authorized by ORS 805.060.

(4) Upon cancellation under section (3) of this rule, the law enforcement agency must return the registration plates and stickers to DMV within 30 days of the effective date of cancellation.

(5) A cancellation or refusal to renew issued under section (3) of this rule:

(a) Is a "cancellation" for purposes of OAR 735.001-0040, entitling the law enforcement, parole or probation agency to a contested case hearing for the proposed cancellation or refusal to renew vehicle registration; and

(b) Entitles the law enforcement, parole or probation agency to the hearing request process described in OAR 735.070-0110, requiring a written request postmarked or received within 10 days of the issuance of DMV's notice of cancellation or refusal.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010

STATUTES/OTHER IMPLEMENTED: ORS 802.012, 803.420, 805.060, 809.090, 809.100