



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED

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ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: DMV Requests and Use of Records from Other Jurisdictions; Driving Records for Future Responsibility Filings

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 10/21/2025 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

A public rulemaking hearing may be requested in writing by 10 or more people, or by a group with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the Oregon Bulletin or 28 days from the date the Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the Oregon Bulletin at least 14 days before the hearing.

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NEED FOR THE RULE(S)

Oregon Laws 2025, Chapter 415, section 48 (SB 840 (2025)), amends Oregon Revised Statute (ORS) 802.200 and expands DMV's authority to request and receive driver record history from other jurisdictions and add the history to the Oregon driver record. The new language requires DMV to adopt rules describing when DMV will request or receive the records, when DMV will establish Oregon as the state-of-record for persons not issued an Oregon identification card, driver license or permit, and how DMV will use driver conviction history received from another jurisdiction. This rulemaking is to clarify DMV's expanded policy direction to establish and maintain driving records when DMV obtains driver history information from other jurisdictions, even when a person has not been issued an Oregon driver license or permit, and how the information will be used. The rules clarify that out-of-state convictions made a part of the Oregon driving record at the time DMV establishes Oregon as the person's state-of-record are not counted for purposes of inclusion in DMV's administrative Habitual Offender and Driver Improvement programs.

In this rulemaking, DMV also proposes updating how DMV receives a notice of conviction for purposes of ORS 809.400(1), suspension or revocation for an out-of-state conviction. Previously, the Driver Records Unit within DMV had to date stamp the notice of conviction; now the language permits any designated business operations area of DMV to date stamp the notice.

DMV also proposes to amend OAR 735-010-0110 to update the statutory references regarding driving records maintained by DMV for people who are required to provide future responsibility filings. Oregon laws 2025, chapter 415, section 46 (SB 840 (2025)) repealed ORS 806.220 and sections 42 and 44 amended ORS 809.415 and 809.417, respectively. As a result, DMV proposes removing reference to ORS 806.220 from the rule and adding ORS 809.415 and 809.417.

Below is a more detailed list of DMV's proposed changes in each rule.

Proposed Updates to Oregon Administrative Rules (OARs)

OAR 735-010-0110: The amended language removes the CDL-specific wording regarding the receipt of driver history records from other jurisdictions. The rule is expanded to encompass commercial licenses and permits, noncommercial licenses and permits, and identification cards. DMV is adding a section to address creating an Oregon driver record and requesting driver history records from other jurisdictions for persons that do not have an Oregon credential but are domiciled in Oregon. Another new section outlines when DMV may request or receive driver history record information from another jurisdiction and how this information will be used. DMV proposes removing reference to ORS 806.220 from subsection (3)(d) of the rule and adding ORS 809.415 and 809.417.

- OAR 735-070-0030: The proposed amendment removes the reference to a specific DMV business operations unit (Driver Records) and clarifies that the date the notice is stamped by any designated business operations area of DMV is the date the notice of conviction is received. DMV is also updating a reference.
- OAR 735-070-0145: This proposed amendment is intended to clarify that an out-of-state conviction received from another jurisdiction in response to DMV's request for driver history record at the time DMV establishes Oregon as the state-of-record will not be evaluated under the Habitual Offender Program.
- OAR 735-072-0041: This rule will be updated to align the wording of the Driver Improvement Program with the updated wording used in OAR 735-070-0145 for habitual offenders.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Enrolled SB 840 (2025) -

<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB840/Enrolled>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed rules are intended to impact all races equally by ensuring that person's prior driving record applies when Oregon becomes the person's state of record. However, studies show traffic citations are issued to minorities at a greater rate than other races. This may result in a larger impact on driving records for minorities. Oregon is in step with other jurisdictions in administering one-state-one-record driver history record requirements. Most states have implemented the American Association of Motor Vehicle Administrators-directed one-state-one-record driver history record requirements. Therefore, while Oregon intends its requirements for driver records to align with general driver record policies, the rule may indirectly impact the driving records of minority populations to a greater extent than others.

FISCAL AND ECONOMIC IMPACT:

See below.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Members of the public may be economically affected by these rules. Individuals who move to Oregon and have their driving records transferred from another jurisdiction will also have any prior citations included in that transfer. While

there may be no immediate impact, these previous citations could influence how the Oregon DMV evaluates future offenses. For example, a new citation might be treated as a second offense rather than a first, based on the additional driving history received. The DMV is unable to quantify the potential impact, as it will vary depending on the individual's circumstances, the nature of the offense, and how much time has passed since the prior citation occurred.

No state agencies or units of local government are likely to be economically affected by the rules.

(2) There will be no direct impact on small businesses. However, small businesses may employ individuals who are subject to an enhanced suspension as described in section (1), which could result in a longer suspension period than previously applied. If the employee's role involves driving for the company, this extended suspension may affect the business's operations.

(2)(a) There are no small businesses subject to the rules.

(2)(b) There are no additional reporting, recordkeeping, administrative activities, or costs required to comply with the rules.

(2)(c) There are no additional costs for professional services, equipment supplies, labor, or increased administration required to comply with the rules.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses were not directly involved in the development of these rules. However, representatives of small businesses were sent a copy of the draft rules, and no responses were received.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

DMV is implementing the new Oregon law in a manner that ensures public safety and is compatible with DMV's computer system.

RULES PROPOSED:

735-010-0110, 735-070-0030, 735-070-0145, 735-072-0041

AMEND: 735-010-0110

RULE SUMMARY: The amended language removes the CDL-specific wording regarding the receipt of driver history records from other jurisdictions. The rule is expanded to encompass commercial licenses and permits, noncommercial licenses and permits, and identification cards. DMV is adding a section to address creating an Oregon driver record and requesting driver history records from other jurisdictions for persons that do not have an Oregon credential but are domiciled in Oregon. Another new section outlines when DMV may request or receive driver history record information from another jurisdiction and how this information will be used. DMV proposes removing reference to ORS 806.220 from subsection (3)(d) of the rule and adding ORS 809.415 and 809.417.

CHANGES TO RULE:

735-010-0110

Customer Record for Persons

(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, 806.2230, 806.2340, ~~or 806.240~~809.415 or 809.417.¶¶

(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)(c), at the time a person is issued a commercial driving privilege in Oregon, the record received by DMV from another jurisdiction shall become~~
At the time DMV issues to a person an Oregon driving privilege or identification card, the driver history 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.¶¶

(7) When DMV receives a driver history record from another jurisdiction and the person does not hold an Oregon identification card or Oregon driving privileges, DMV will review the driver record to determine if the person is domiciled in Oregon. If DMV determines the person is domiciled in Oregon, Oregon becomes the state of record and DMV shall include the driver history record received from the other jurisdiction as part of the person's driving record in this state. Any convictions from the other jurisdiction's driving history record will be transferred to the person's Oregon driving record using the AAMVAnet Code Dictionary (ACD) code.¶¶

(8) DMV may request or receive driver history records from other jurisdictions for use in Oregon when:¶¶

(a) The person applies for driving privileges or an identification card in Oregon; or¶¶

(b) The person does not hold Oregon driving privileges or an Oregon identification card, but DMV determines that Oregon is to be the state of record.¶¶

(9) DMV may use the driver history record information received from other jurisdictions, as described in sections (6), (7) and (8) of this rule, for any purpose authorized by law, unless otherwise specified in the applicable law.

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: 735-070-0030

RULE SUMMARY: The proposed amendment removes the reference to a specific DMV business operations unit (Driver Records) and clarifies that the date the notice is stamped by any designated business operations area of DMV is the date the notice of conviction is received. DMV is also updating a reference.

CHANGES TO RULE:

735-070-0030

Suspension/Revocation for Out-of-State Conviction, Suspension or Revocation~~¶¶~~

(1) For purposes of ORS 809.400(1):~~¶¶~~

(a) The date a notice of conviction is received by the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation (DMV) is:~~¶¶~~

(A) The date the notice of conviction is date stamped by ~~the Driver Records Unit~~DMV; or~~¶¶~~

(B) The date the notice of conviction is electronically transmitted to Oregon DMV from the reporting jurisdiction.~~¶¶~~

(b) "Initiated" means the date the conviction is entered on the person's Oregon driving record.~~¶¶~~

(c) A conviction is entered on the person's Oregon driving record when it is manually placed on the record by DMV or when it is transmitted from the reporting jurisdiction if received electronically.~~¶¶~~

(2) Except as provided in ORS 809.400(1)(~~b~~), DMV will suspend or revoke the driving privileges of any resident of this state upon receiving notice of the conviction of the person in another jurisdiction for an offense which, if committed in this state, would be grounds for suspending or revoking of the person's driving privileges.~~¶¶~~

(3) DMV shall suspend the commercial driving privileges of a resident of this state pursuant to ORS 809.510(7), upon receiving notice that the person's commercial driving privileges have been suspended or revoked in another jurisdiction under circumstances that would require DMV to suspend driving privileges if the conduct had occurred in Oregon. The period of suspension will be the same as would be imposed if the conduct had occurred in Oregon.~~¶¶~~

(4) Oregon DMV shall cease all non-commercial suspensions added to a person's Oregon driving record before May 14, 2024, that were a result of DMV receiving notification from another state, territory, federal possession or district, or providence of Canada that the person's driving privileges were suspended or revoked in that jurisdiction under circumstances that would have required DMV to suspend the person's driving privileges under ORS 813.410(1) if the conduct had occurred in Oregon.

Statutory/Other Authority: ORS 184.619, 802.010, 809.400

Statutes/Other Implemented: ORS 802.540, 809.400, 809.510

AMEND: 735-070-0145

RULE SUMMARY: This proposed amendment is intended to clarify that an out-of-state conviction received from another jurisdiction in response to DMV's request for driver history record at the time DMV establishes Oregon as the state-of-record will not be evaluated under the Habitual Offender Program.

CHANGES TO RULE:

735-070-0145

Counting Convictions Toward Habitual Offender Revocation

(1) In accordance with ORS 801.020(11)(c), if a person is convicted of more than one offense arising from the same incident as described in:¶

(a) ORS 809.600(1), only one of the convictions will count toward the Habitual Offender Program.¶

(b) ORS 809.600(2), only one of the convictions will count toward the Habitual Offender Program.¶

(2) In accordance with ORS 801.020(11)(c), if a person is convicted of more than one offense arising from the same incident, with at least one offense described in ORS 809.600(1) and at least one offense described in ORS 809.600(2), the more serious offense as described in ORS 809.600(1) will count toward the Habitual Offender Program.-¶

(3) If DMV orders a five-year revocation based on three convictions within five years for offenses described in ORS 809.600(1) or for 20 convictions within five years for offenses described in ORS 809.600(2), those convictions will not be counted toward a possible future revocation under the Habitual Offender Program.¶

(4) DMV will not count an out-of-state conviction under the habitual offender program when the conviction is entered to the record at the time Oregon becomes the person's state of record.

Statutory/Other Authority: ORS 184.619, 802.010, 802.200

Statutes/Other Implemented: ORS 801.020, 802.200, 809.600, 809.610, 809.640

AMEND: 735-072-0041

RULE SUMMARY: This proposed amendment is intended to clarify that an out-of-state conviction received from another jurisdiction in response to DMV's request for driver history record at the time DMV establishes Oregon as the state-of-record will not be evaluated under the Driver Improvement Program.

CHANGES TO RULE:

735-072-0041

DMV Determination of Driver Improvement Offenses for the Driver Improvement Program

- (1) A conviction for an offense listed in OAR 735-064-0220 and a preventable accident arising from a single incident each count as a separate driver improvement offense. DMV will add no more than two driver improvement offenses to the record for a single incident.¶
- (2) If a person is convicted of more than one offense arising from a single traffic stop, the convictions for separate offenses constitute one conviction and are a driver improvement offense if at least one of the convictions is for an offense listed in OAR 735-064-0220.¶
- (3) ADMV will not count an out-of-state conviction that becomes part of an Oregon driving record when a person changes the state of record to become an Oregon licensed driver is not a driver improvement offense under the driver improvement program when the conviction is entered to the record at the time Oregon becomes the person's state of record.¶
- (4) DMV may determine if an accident is preventable. Factors DMV uses to determine preventability include but are not limited to:¶
 - (a) Violations of the law, even if a citation is not issued;¶
 - (b) Failure to use defensive driving techniques;¶
 - (c) Road conditions existing at the time of the accident; and¶
 - (d) Speed of the driver's vehicle.

Statutory/Other Authority: ORS 184.619, 802.010, 802.200, 809.480

Statutes/Other Implemented: ORS 802.200, 809.480