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NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 735

DEPARTMENT OF TRANSPORTATION

DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED: 05/19/2026 5:07 PM

ARCHIVES DIVISION SECRETARY OF STATE

FILING CAPTION: Defining Identification Card and Clarifying When Someone Surrenders Oregon Driving Privileges

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/21/2026 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):

DMV proposes to amend Oregon Administrative Rules (OAR) 735-062-0002 and 735-062-0007 to clarify the definition of "identification card" and to specify that an Oregon noncommercial driver license or driver permit becomes invalid when the holder is issued a driver license, driver permit, or identification card by a state driver licensing agency in another jurisdiction.

DMV is adding a definition of "identification card" because the agency recognizes that private businesses or government entities that are not state driver licensing agencies also issue cards to their customers to verify membership. These other types of "identification cards" are not the identification cards issued by DMV that are referenced in the Oregon Vehicle Code and DMV's administrative rules. This clarification is intended to ensure that individuals understand that their Oregon driving privileges become invalid even when they are issued an identification card by a state driver licensing agency in another jurisdiction. This amendment does not change Oregon Department of Transportation, Driver and Motor Vehicle Services (DMV) policy; it simply clarifies existing requirements to eliminate confusion.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

DMV did not rely on any documents for this rulemaking.

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

DMV does not believe this rulemaking will have any impact on racial equity in Oregon. The changes only clarify existing definitions and do not create new rules or limits on who can get an Oregon driver license, driver permit, or identification card. These clarifications apply the same way to everyone, regardless of race. The amendments clarify current practice and therefore are not expected to create any unequal outcomes.

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) DMV does not believe this rulemaking will have any economic impact on state agencies, units of local government, or members of the public. The amendments simply clarify existing rules to help ensure that individuals understand that they are surrendering their Oregon driver license or driver permit when they are issued an identification card by a state driver licensing agency in another jurisdiction. Members of the public may see a reduced likelihood of unintentionally surrendering their Oregon driving privileges as a result of this clarification. DMV is unable to determine any fiscal impact associated with such situations.

(2) There is no impact on small businesses.

(2)(a) There is no impact on small businesses.

(2)(b) There is no impact on small businesses.

(2)(c) There is no impact on small businesses.

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

Small businesses were not directly involved in the development of these rule amendments. DMV did send the draft rules to people representing small businesses seeking their input. No responses were received.

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

DMV did not use an Administrative Rule Advisory Committee for this rulemaking because the amendments simply clarify existing rules and do not change policy or create new requirements. Due to the limited scope of this change, DMV determined that convening a committee was not necessary.

RULES PROPOSED:

735-062-0002, 735-062-0007

AMEND: 735-062-0002

RULE SUMMARY: DMV proposes to amend this rule add the definition of "identification card."

CHANGES TO RULE:

Definitions

As used in these OAR 735, division 62, rules the following definitions apply:

- (1) "AAMVA" means the American Association of Motor Vehicle Administrators.
- (2) "Biometric data" means measurements of the physical characteristics of person's face that can be used to authenticate the identity of the person.
- (3) "Caregiver" means an individual who has any level of responsibility for the safety and well-being of a minor.
- (4) "CDLIS" means the Commercial Driver's License Information System operated by AAMVA for the Federal Motor Carrier Safety Administration.
- (5) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.
- (6) "First-time Real ID" means the first time DMV issues an Oregon Real ID to an applicant and may be issued as an original, renewal or replacement driver license, driver permit or identification card, depending on the privilege that the applicant possesses.
- (7) "Identification Card" means a document bearing personal data used to verify identity, issued by DMV under ORS 807.400 or by a state driver licensing agency in another jurisdiction.
- (8) "Lawful status," for the purpose of applying for a Real ID driver license, driver permit or identification card, has the meaning set forth in 6 CFR §37.3.
- (9) "LexisNexis Database" means a database of personal information provided by the LexisNexis corporation that is used to verify the identification of an individual.
- (10) "NDR" means National Driver Register, a division in the National Center for Statistics and Analysis under the National Highway Traffic Safety Administration.
- (11) "PDPS" means the Problem Driver Pointer System, a database operated by NDR.
- (12) "Proctor" means a caregiver of the applicant who is at least 21 years of age and whose identity (name, date of birth and address) has been verified through the LexisNexis database.
- (13) "Real ID" has the meaning set forth in ORS 807.450, and is marked with the distinguishing feature of a star in the upper right corner.
- (14) "S2S" means State to State Verification Services operated by AAMVA.
- (15) "SAVE" means Systemic Alien Verification for Entitlements program, administered by the United States Citizenship and Immigration Services, a component of the Department of Homeland Security.
- (16) "SPEXS" means the State Pointer Exchange Services, the platform that supports S2S and CDLIS.
- (17) "SSA" means the Social Security Administration.
- (18) "SSN" means Social Security number.
- (19) "USPVS" means United States Passport Verification Services which allows licensing agencies to verify US Passport document data against the Department of Homeland Security's backend systems and is operated by AAMVA.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.050, 807.450, 807.460, 6 CFR §37.3

Statutes/Other Implemented: ORS 801.163, 802.200, 807.021, 807.024, 807.050, 807.450

AMEND: 735-062-0007

RULE SUMMARY: DMV proposes to amend this rule to specify that an Oregon noncommercial driver license or driver permit becomes invalid when the holder is issued a driver license, driver permit, or identification card by a state driver licensing agency in another jurisdiction.

CHANGES TO RULE:

735-062-0007

Driver Permits or Driver Licenses~~¶¶~~

- (1) Before DMV will issue a driver permit or driver license, the applicant for the driver permit or driver license must:~~¶¶~~
- (a) Satisfy all requirements set forth in ORS 807.040 and 807.060(2)(a) if under the age of 18. For purposes of ORS 807.060 and this subsection:~~¶¶~~
 - (A) "Mother" means the biological or adoptive mother of the applicant, whose parental rights have not been terminated;~~¶¶~~
 - (B) "Father" means the biological or adoptive father of the applicant, whose parental rights have not been terminated; and~~¶¶~~
 - (C) "Legal guardian" means an individual, or the authorized representative of an entity, private or public institution or agency appointed as guardian of the applicant by a court having jurisdiction.~~¶¶~~
 - (b) Satisfy all requirements set forth in ORS 807.065 and 807.066 to receive a driver license (provisional) if under 18 years of age;~~¶¶~~
 - (c) Provide a verifiable SSN or a statement that the applicant has not been assigned a SSN as provided in OAR 735-062-0005;~~¶¶~~
 - (d) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016;~~¶¶~~
 - (e) Provide proof of the applicant's identity and date of birth as provided in OAR 735-062-0020;~~¶¶~~
 - (f) Provide proof of the applicant's residence address as provided in OAR 735-062-0030;~~¶¶~~
 - (g) Provide proof, as provided in OAR 735-016-0070, that the applicant is domiciled in or a resident of Oregon;~~¶¶~~
 - (h) Surrender all driver permits, driver licenses and identification cards in the applicant's possession issued outside of Oregon;~~¶¶~~
 - (i) Certify that the applicant does not have a vision condition or impairment that impacts the applicant's ability to drive safely, which has not been corrected by the use of glasses or contact lenses;~~¶¶~~
 - (j) Certify that the applicant does not have a mental or physical condition or impairment that affects the applicant's ability to drive safely; and~~¶¶~~
 - (k) Certify that the applicant does not have a problem condition with an intoxicant, as defined in Oregon Laws 2023, Chapter 498 that affects the applicant's ability to drive safely.~~¶¶~~
- (2) Once an applicant has applied for a driver license or driver permit, DMV will make an inquiry to NDR/PDPS, SPEXS and S2S to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.~~¶¶~~
- (3) DMV may require the applicant to provide a clearance letter in compliance with OAR 735-062-0160, indicating the applicant has valid driving privileges from any jurisdiction in which an inquiry to NDR/PDPS, SPEXS and S2S indicates the applicant's driving privilege is not fully valid.~~¶¶~~
- (4) DMV will not issue driving privileges to an applicant until the applicant's driving privileges are reinstated in all jurisdictions, unless the only remaining reinstatement requirement in the other jurisdiction is proof of financial responsibility. Nothing in this section prohibits DMV from issuing a regular Class C driver license to an applicant whose commercial driving privileges are not valid as long as the applicant's regular Class C or equivalent driving privileges are valid.~~¶¶~~
- (5) DMV will not issue a driver license or driver permit to an applicant with a current, valid Oregon identification card (ID card). To become eligible, the applicant must surrender the ID card before DMV may issue the Oregon driver license or driver permit. If the person's ID card is lost or destroyed, the person must make a statement that the card is lost or destroyed and that it will be returned to DMV if found.~~¶¶~~
- (6) DMV will notify all jurisdictions in the United States identified as previously issuing a driver license, driver permit or identification card to the applicant when DMV issues an Oregon driver license or driver permit to the applicant.~~¶¶~~
- (7) A driver license issued to an applicant with a February 29 birthdate expires:~~¶¶~~
- (a) On February 29 if the expiration year is a leap year; or~~¶¶~~
 - (b) On February 28 if the expiration year is not a leap year.~~¶¶~~
- (8) After determining that an applicant has met all requirements under this rule, DMV will issue the driver license

or driver permit and mail it to the address provided by the applicant at the time of the application.¶¶

(9) An Oregon non-commercial driver license or driver permit becomes invalid when the holder of the Oregon driver license or driver permit is issued a driver license, driver permit or identification card by a state driver licensing agency in another jurisdiction.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.040, 807.050, 807.060, 807.120, 809.310

Statutes/Other Implemented: ORS 802.540, 807.021, 807.040, 807.060, 807.066, 807.130, 807.455, 809.310