



NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

FILED

08/26/2025 12:11 PM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Issuance of Driver Licenses to Military Spouses or dependents

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/21/2025 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)

The DMV needs to amend Oregon Administrative Rules (OAR) 735-062-0120 due to changes in Oregon Laws 2025, Chapter 415 (SB 840, section 3 (2025)), which amend Oregon Revised Statute (ORS) 807.110. The current statute allows the DMV to renew or replace a driver license, excluding a commercial driver license, without a photograph for an applicant in the active military service in the Armed Forces of the United States or the National Guard if the DMV does not have an acceptable photograph of the applicant. Effective January 1, 2026, SB 840 expands DMV's authorization to include in its rule an applicant who is the spouse or dependent of an individual in the active military service who is stationed outside of Oregon.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

SB 840 Enrolled version -
<https://olis.oregonlegislature.gov/liz/2025R1/Downloads/MeasureDocument/SB0840/Enrolled>

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

Recent data from the Defense Manpower Data Center indicates that in 2023 approximately 32% of active-duty personnel are minorities, compared to 25.2% of the overall U.S. population. DMV's rulemaking implements the authority provided in ORS 807.110 by permitting spouses and dependents of active duty servicemembers to apply for driver licenses without photographs, as described in the proposed rule. Because a higher percentage of active-duty personnel are from racially diverse groups, DMV believes that this rulemaking will positively impact racial equity in Oregon by expanding the application of ORS 807.110 to their spouses and dependents, an unknown number of whom are also members of racially diverse groups.

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) The changes made to the OAR are expected to have a positive economic impact on military spouses or dependents subject to the rule. This change will allow them to renew or replace their Oregon driver license without incurring the expense of traveling to the state. While the DMV cannot determine the exact savings due to the varied locations of those affected, it does anticipate a positive economic impact, along with significant time savings for the individuals involved.

The DMV does not foresee any compliance costs for local government units or state agencies.

(2) DMV does not believe this rulemaking will have any effect on small business.

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

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

(2)(c) There is no cost of professional services, equipment supplies, labor and increased administration required to comply with the rule.

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, DMV sent a draft of the rule and the changes to organizations representing small businesses and no responses were received.

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

In this rulemaking DMV is aligning OAR with the expanded authority provided the amendment to ORS 807.110.

AMEND: 735-062-0120

RULE SUMMARY: DMV proposes amending this rule due to changes in Oregon Laws 2025, Chapter 415 (SB 840, section 3 (2025)), which amend Oregon Revised Statute (ORS) 807.110. The current statute allows the DMV to renew or replace a driver license, excluding a commercial driver license, without a photograph for an applicant in the active military service in the Armed Forces of the United States or the National Guard if the DMV does not have an acceptable photograph of the applicant. Effective January 1, 2026, SB 840 expands DMV's authorization to include in its rule an applicant who is the spouse or dependent of an individual in the active military service who is stationed outside of Oregon.

CHANGES TO RULE:

735-062-0120

Standards for Issuance of Driver's Licenses Without a Photograph¶¶

(1) DMV may, upon receipt of a written request, and for good cause, provide for issuance of a valid driver license without a photograph to any applicant qualified to hold an Oregon driver license:¶¶

(a) Who is a member of a religious denomination that prohibits photographing of its members because it is contrary to its religious tenets;¶¶

(b) Whose religious beliefs require the applicant to wear a head covering, clothing or similar material that partially or completely covers the applicant's face, preventing the applicant from being photographed as described in OAR

735-062-0016(2);¶

(c) Who has severe facial disfigurement; or¶

(d) Who is stationed outside of this state while in the active military service in the Armed Forces of the United States or the National Guard or who is the spouse or dependent of such an individual, and the department is unable to issue the driver license using the previous photo on file as provided under OAR 735-062-0125.¶

(2) In addition to satisfying the requirements of section (1), an applicant for issuance of a driver license under this rule must:¶

(a) Provide a verifiable SSN or written statement that the person has not been assigned a SSN, as provided in OAR 735-062-0005;¶

(b) Provide proof of identity and date of birth as required under ORS 807.040 and provided in OAR 735-062-0020; and¶

(c) Provide proof of residence address as provided in OAR 735-062-0030(1).¶

(3) An applicant applying for a renewed driver license under subsection (1)(c) of this rule must also provide proof of being a resident of or domiciled in Oregon as described in OAR 735-016-0040.

Statutory/Other Authority: ORS 184.619, 802.010, 807.110

Statutes/Other Implemented: ORS 807.110