



**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 735  
**DEPARTMENT OF TRANSPORTATION**  
**DRIVER AND MOTOR VEHICLE SERVICES DIVISION**

**FILED**

09/25/2025 4:19 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

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

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.*

CONTACT: Ty Yoder  
503-945-5256  
Ty.M.YODER@odot.oregon.gov

1905 Lana Ave NE  
Salem, OR 97314

Filed By:  
Winnie Dawn  
Rules Coordinator

**NEED FOR THE RULE(S)**

The Oregon Department of Transportation, Driver and Motor Vehicle Services (DMV) proposes updating Oregon Administrative Rules (OARs) 735-064-0040, 735-064-0070, and 735-064-0080 to update the rules regarding the eligibility, issuance, renewal, and validity period of hardship driver permits. DMV is initiating these changes because Senate Bill (SB) 840 (Oregon Laws 2025, Chapter 415, section 8) expands who is eligible for issuance of a hardship permit. DMV is taking this opportunity to update some other aspects of the hardship permit rules.

DMV proposes amending OAR 735-064-0040 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.

DMV proposes amending OAR 735-064-0070 to remove language that limits who is eligible for a hardship permit. This change is necessary because, as previously stated, SB 840 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. Other than adding the additional people eligible for a hardship permit, DMV is only clarifying the statutory requirements and rules currently in place.

DMV proposes to amend OAR 735-064-0080 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. These changes to the rule do not add additional requirements for customers to obtain a hardship permit that are not already described in ORS 807.240 or DMV’s administrative rules.

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DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

Enrolled SB 840 (2025) -

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

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

DMV believes the new eligibility criteria provided in the statute will impact only a limited number of customers annually and does not anticipate a significant effect on eligibility or costs for different racial groups. Consequently, the DMV does not expect this rulemaking to affect racial equity in the state. However, to the extent that there is any impact on racial equity, the expansion of eligibility for hardship permits would be a positive impact.

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FISCAL AND ECONOMIC IMPACT:

See below.

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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) Oregon Laws 2025, Chapter 415, section 8, expands the number of people who will qualify for a hardship permit. The increase is a direct result of the new law and this amendment brings the rules in line with statute. The other proposed amendments to the rules will not create a new cost of compliance on any member of the public, local governments or any state agencies. The additional proposed amendments clarify current statutory and rule requirements or DMV procedures. No new requirements are added as a result of this rulemaking.

(2) Oregon Laws 2025, Chapter 415, section 8, expands the number of people who will qualify for a hardship permit. The law may benefit small businesses because they may employ a person who will be eligible for a hardship permit. However, the additional changes to this rule made by DMV will have no effect on small businesses.

(2)(a) None.

(2)(b) None.

(2)(c) None.

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

No small businesses were directly involved in the development of these rules; however, DMV sent a copy of the proposed rules to small business representatives and provided them with an opportunity to respond.

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

The proposed rules clarify the current DMV processes and requirements for eligibility, issuance, renewal and validity period for hardship permits, and align the OAR with the new law.

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RULES PROPOSED:

AMEND: 735-064-0040

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.

CHANGES TO RULE:

735-064-0040

Application Requirements for a Hardship Permit~~¶¶~~

(1) An Oregon resident ~~whose~~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, may apply for a hardship permit; 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.~~¶

~~(23) 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 sections of this rule that apply to the applicant's suspension, revocation or combination of suspension(s) and revocation(s). All applicants must:~~¶

~~(a) Complete a Hardship Application, (DMV Form 735-6044). The form~~Submit an application for a hardship permit. The application is available as an online application at DMV2U.oregon.gov, or as a print-only application form (DMV Form 735-6044) from;~~www.oregondmv.com or at any DMV office.~~¶

~~(b) Pay the hardship permit application fee and the reinstatement fee.~~¶

~~(34) 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 person~~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.~~¶

~~(45) An applicant for a hardship permit must submit an SR-22 insurance certificate or other proof of financial responsibility compliance as described in ORS 806.240. The SR-22 insurance certificate for an applicant whose driving privileges are suspended for a DUII conviction must show at least the minimum coverage amounts specified in ORS 806.075.~~¶

~~(56) 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 ~~person~~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 ~~and~~, 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 ~~need to obtain~~ regular medical treatment ~~for the applicant or a member of the applicant's immediate family~~ while on a hardship permit, unless the ~~person~~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.¶
- ~~(67)~~ An applicant must submit any other information DMV may require for purposes of determining whether the ~~person~~applicant qualifies under any section of this rule.¶
- ~~(78)~~ 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

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.

CHANGES TO RULE:

735-064-0070

Ignition Interlock Device (IID) Requirement for Issuance of Hardship Permits~~¶¶~~

~~(1) When a person whose driving privileges are suspended, or revoked under ORS 809.600 as a habitual offender, applies for a hardship permit, DMV will require the applicant to~~ applies for a hardship permit or a person issued a hardship permit must install an IID in any vehicle operated by the applicant ~~if the applicant~~ person if the person's driving record shows any of the following:~~¶¶~~

~~(a) A current suspension based on a conviction for DUII in an Oregon court; or~~ ¶¶

~~(b) A current IID required;~~ ¶¶

~~(A) As a condition of a DUII 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 DUII 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 Certification—No Negative Report (DMV form 735-7379) 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 his or her 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.~~ ¶¶

~~(56) For purposes of ORS 813.606, a person who is self-employed is not an employee and DMV will not place an employer IID notification exception notation on the person's driving record.~~ ¶¶

~~(67) 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.~~ ¶¶

~~(78) 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 his or 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.~~ ¶¶

~~(89) 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 735-118-257-100-00(5)55.~~

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 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.

CHANGES TO RULE:

735-064-0080

How the Hardship Permit Is Issued¶¶

(1) DMV will mail a hardship permit to the address the applicant submitted on the applicant's ~~H~~hardship Ppermit 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;¶

~~(b) 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~~¶

~~(c) The expiration date of the person's driver license, 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