



## PERMANENT ADMINISTRATIVE ORDER

### DMV 24-2020

CHAPTER 735  
DEPARTMENT OF TRANSPORTATION  
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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#### RULES:

735-001-0062, 735-016-0060, 735-062-0001, 735-062-0002, 735-062-0006, 735-062-0008, 735-062-0011, 735-062-0022, 735-062-0023, 735-062-0031, 735-062-0090, 735-062-0110, 735-062-0125, 735-062-0160, 735-063-0200, 735-063-0205, 735-063-0260, 735-063-0265, 735-063-0268

AMEND: 735-001-0062

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: Amendment of OAR 735-001-0062 corrects the age of the photograph on file that is eligible to be used for an issuance to align with DMV's current processes. Reference to the Commercial Driver License Information System has been replaced by the State Pointer Exchange Service (SPEXS). SPEXS is a verification service offered by the American Association of Motor Vehicle Administrators used to electronically check with all other participating states to determine if an applicant holds driving privileges or an identification card in another jurisdiction

#### CHANGES TO RULE:

##### 735-001-0062

DMV/DOC Program for an Inmate Obtaining a Driver License or Identification Card Prior to Release ¶¶

- (1) The Oregon Department of Transportation, Driver and Motor Vehicle Services Division (DMV) and the Oregon Department of Corrections (DOC) have established, through interagency agreement, the following program to help an inmate obtain a driver license or identification card prior to ~~his or her~~ the inmate's release from custody.¶¶
- (2) For purposes of this rule, the term "inmate" means any person under the supervision of the DOC and who is not on parole, probation or post-prison supervision status.¶¶
- (3) Notwithstanding OAR 735-062-0016, DMV may issue a renewal or replacement driver license or an identification card containing the last photograph of the inmate on file with DMV. The photograph on file must not be older than nine years ~~and two months~~. DMV will issue as follows:¶¶
  - (a) A replacement driver license to an inmate whose driving privileges are valid or are reinstated at the time of issuance;¶¶

- (b) A renewal driver license to an inmate whose driving privileges are valid or are reinstated at the time of issuance and whose driver license is within the allotted time for early renewal as described in OAR 735-062-0090(4) or has been expired for less than one year; or¶
- (c) An original, renewal or replacement identification card to an inmate:¶
- (A) Who is not eligible for driving privileges under sections (4), (7) or (8) of this rule;¶
- (B) Whose previous driver license has been expired for more than one year;¶
- (C) Whose driving privileges are suspended, revoked or cancelled; or¶
- (D) Who has never been issued or does not currently qualify for a driver license under ORS 807.040.¶
- (4) DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) and the Commercial Driver License Information System (CDLIS), and the State Pointer Exchange Service to determine if the inmate's driving privileges are suspended, revoked, cancelled or otherwise not valid in any other jurisdiction. An inmate whose driving privileges are not valid in any other jurisdiction is not eligible to replace or renew driving privileges in Oregon.¶
- (5) DOC may complete an application packet for each eligible inmate within ~~no more than~~ 180 days prior to the inmate's date of release from DOC custody. The application packet must include:¶
- (a) A completed Valid with Previous Photo DL/ID Card (VWPP) Application, DMV Form 735-171C, signed by the inmate. The application must include the inmate's Social Security Number (SSN). DMV must verify, or have previously verified, the SSN with the Social Security Administration, as required by OAR 735-062-0005;¶
- (b) Proof of legal name as required by OAR 735-062-0014;¶
- (c) Proof of legal presence as required by OAR 735-062-0015 and the interagency agreement; and¶
- (d) Proof of date of birth and identity as required by OAR 735-062-0020.¶
- (6) On the application DOC must certify:¶
- (a) That the copies of the documents submitted to meet the requirements of section (5) of this rule are true copies of the original documents and that the documents pertain to the inmate for whom DOC is submitting the VWPP application; and¶
- (b) That the inmate will be living in Oregon when released and the address provided on the application meets the requirements for residence or mailing address as outlined in the interagency agreement.¶
- (7) An inmate is not eligible for driving privileges, under ORS 807.060(4) or (5), and DMV will not replace or renew a driver license, if on the VWPP Application the inmate:¶
- (a) Answers yes to the question "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?";¶
- (b) Answers yes to the question "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?"; or¶
- (c) Answers yes to the question "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"¶
- (8) An inmate who is eligible to renew ~~his or her~~ their driving privileges, and is or will be 50 years of age or older at the time ~~his or her~~ their driving privileges expire, must meet the requirements of OAR 735-062-0060. As the inmate will not be at a DMV field office for the vision screening, DOC must provide a vision examination form, Certificate of Vision, DMV Form 735-24, completed by a licensed ophthalmologist or optometrist with the VWPP application. If no Certificate of Vision form is included or the inmate does not meet the vision standards set forth in 735-062-0050, the inmate is only eligible for an identification card.¶
- (9) When an inmate's driving privileges are valid (not suspended, revoked, cancelled or expired more than one year) the inmate must surrender driving privileges in order to be eligible for an identification card. A completed Surrender of Driving Privilege(s), DMV Form 735-7206, must be included with the VWPP application of any inmate who is surrendering driving privileges. A person who surrenders driving privileges must pass all tests and pay all fees associated with an original driver license to regain driving privileges at a later date.¶
- (10) DOC will pay the fee listed in ORS 807.370 or 807.410, as appropriate, for each inmate issued a driver license or identification card in a manner outlined in the interagency agreement.¶
- (11) When an inmate's driver license or identification card issued pursuant to this rule is renewed or replaced, the

~~or~~ inmate must provide proof of citizenship or permanent legal residency as required by OAR 735-062-0015, unless DMV records show the person has previously provided such proof.

Statutory/Other Authority: ORS ~~184.616~~, 184.619, 802.010, 802.087, 807.110

Statutes/Other Implemented: ORS 802.087

AMEND: 735-016-0060

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended OAR 735-016-0060 requires a person to provide proof of residency or domicile only when applying for an original or renewal Oregon driver license, driver permit or identification card. These amendments align the rule with DMV's system modernization and allow for online replacement of driver licenses, driver permits or identification cards. Proof of residency and domicile will no longer be required for replacement issuances.

CHANGES TO RULE:

735-016-0060

#### When Proof of Residency or Domicile Is Required ¶¶

- (1) DMV may require proof that a person or business entity is eligible to obtain or renew a driver license, driver permit, identification card or to register or renew a vehicle in Oregon. Proof may be required when DMV has reason to believe a person or business entity is not a resident of or domiciled in this state.¶¶
- (2) When a person applies for an original or renewal Oregon driver license, driver permit or identification card, proof of residency or domicile may be required if:¶¶
  - (a) A person provides information that ~~the or she~~ person currently resides somewhere other than Oregon;¶¶
  - (b) A person has no actual residence address, or¶¶
  - (c) A person wants to use an out-of-state residence address, out-of-state mailing address, or both.¶¶
- (3) When a person applies for vehicle registration or renewal of vehicle registration, proof of residency or domicile may be required if:¶¶
  - (a) The person does not hold an Oregon driver license, driver permit or identification card;¶¶
  - (b) The person's residence address is not in Oregon; or¶¶
  - (c) The person has no actual residence address.¶¶
- (4) In addition to sections (2) and (3) of this rule, DMV may at any time require proof of residency or domicile for a driver license, permit, identification card or vehicle registration, including, but not limited to the following:¶¶
  - (a) If a business entity provides only an out-of-state business address and does not provide an Oregon address of its established place of business, main office, branch office or warehouse facility;¶¶
  - (b) If DMV receives a complaint or other information that suggests that a person or business entity:¶¶
    - (A) Is or may be a resident of another state;¶¶
    - (B) Used a false address or an address that is not their residence or business address when applying for a driver license, driver permit, identification card or vehicle registration; or¶¶
    - (C) Has applied for registration or renewal or registered a vehicle which is not eligible for Oregon registration;¶¶
  - (c) If the address provided to DMV as a residence or business address is known or determined by DMV to be that of a service provider, such as a mail service;¶¶
  - (d) If the residence or business address provided to DMV is determined by DMV to generally be used as a temporary residence, such as a motel, homeless shelter or campground;¶¶
  - (e) If the address provided to DMV is determined by DMV to be an address that has been used by multiple applicants for a driver license, driver permit, identification card or vehicle registration; or¶¶
  - (f) If DMV receives information that a person or business entity is engaged in applying for vehicle registration or assisting in such application in Oregon when the vehicle is not qualified or eligible for Oregon registration and DMV has identified a vehicle(s) for which an application has been submitted or for which registration was obtained as a result of the person's or business entity's action.

Statutory/Other Authority: ORS 184.616~~9~~, ~~184.619~~802.010, 803.350, 803.370, 807.050, 807.062, & 821.080

Statutes/Other Implemented: ~~807.040, 807.045, 807.050, 807.062, 807.400, 821.080, 826.033~~, ORS 802.500, 802.520, 803.200, 803.325, 803.350, 803.355, 803.360, 803.370, 807.010, 807.040, 807.045, 807.050, 807.062, 807.400, 821.080 & 826.033

AMEND: 735-062-0001

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended OAR 735-062-0001 clarifies the purpose for OAR chapter 735, division 62. Amendments establish that a Real ID or non-Real ID Class C non-commercial driver license is the base privilege a person must possess to be issued a Real ID or non-Real ID commercial driver license. This rule summarizes the requirement for when a Real ID can be issued and specifies which administrative rules listed in OAR chapter 735, division 62, apply to Real ID issuances only. Additionally, this rule specifies which administrative rules are not applicable to Real ID.

CHANGES TO RULE:

735-062-0001

Purpose ¶

(1) The purpose of these chapter 735, division 62, rules is to establish the various requirements for the issuance, replacement or renewal of a Class C non-commercial driver license, driver permit or identification card.¶

(2) A Real ID or non-Real ID Class C non-commercial driver license is the base privilege a person must possess to be issued a commercial learner driver permit or Real ID or non-Real ID commercial driver license. Rules in chapter 735, division 63 establish requirements and processes that are specific to the granting of commercial driving privileges. ~~Therefore, these division 62 rules apply to the base privileges portion of a Real ID or non-Real ID commercial driver license or commercial learner driver permit, except where specified in chapter 735, division 63.~~¶

(3) A Real ID is issued to an applicant who meets federal issuance standards established by the Real ID Act of 2005, P.L. 109-13. These standards apply to proof of lawful status, identity, date of birth, SSN and residence address only. Except as otherwise specified in sections (4) and (5) of this rule or any rule within OAR chapter 735, division 62, all other rules in OAR 735, division 62, are applicable both to Real ID and non-Real ID driver licenses, permits and identification cards.¶

(4) The following rules in OAR 735, division 62, apply to Real ID only:¶

(a) OAR 735-062-0006 ¶

(b) OAR 735-062-0008 ¶

(c) OAR 735-062-0011¶

(d) OAR 735-062-0022 ¶

(e) OAR 735-062-0023 ¶

(f) OAR 735-062-0031 ¶

(g) OAR 735-062-0295 ¶

(5) The following rules, unless otherwise specified in OAR 735, division 62, do not apply to Real ID issuances:¶

(a) OAR 735-062-0005¶

(b) OAR 735-062-0007¶

(c) OAR 735-062-0010¶

(d) OAR 735-062-0014¶

(e) OAR 735-062-0015¶

(f) OAR 735-062-0030¶

(g) OAR 735-062-0032¶

(h) OAR 735-062-0033¶

(i) OAR 735-062-0120

Statutory/Other Authority: ORS 184.616, ~~184.619, 9~~ & 802.010

Statutes/Other Implemented: ORS 807.455 & 6 CFR Part 37

AMEND: 735-062-0002

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, OAR 735-062-0002 provides definitions for terms used throughout OAR chapter 735, division 62. First-time Real ID, lawful status, Real ID and multiple information and verification system platforms are defined.

CHANGES TO RULE:

735-062-0002

Definitions ¶¶

As used in these OAR 735, division 062, 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 a person's face that can be used to authenticate the identity of the person.¶¶
- (2) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.¶¶
- (3) "Legal presence" or "legal presence in the United States" means that a person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States under federal immigration laws.¶¶
- (3) "CDLIS" means the Commercial Driver's License Information System operated by AAMVA for the Federal Motor Carrier Safety Administration.¶¶
- (4) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.¶¶
- (5) "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. ¶¶
- (6) "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. ¶¶
- (7) "Legal presence" or "legal presence in the United States" means that a person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States under federal immigration laws.¶¶
- (8) "NDR" means National Driver Register, a division in the National Center for Statistics and Analysis under the National Highway Traffic Safety Administration.¶¶
- (9) "PDPS" means the Problem Driver Pointer System, a database operated by NDR.¶¶
- (10) "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. ¶¶
- (11) "S2S" means State to State Verification Services operated by AAMVA.¶¶
- (12) "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. ¶¶
- (13) "SPEXS" means the State Pointer Exchange Service, the platform that supports S2S.¶¶
- (14) "SSA" means the Social Security Administration.¶¶
- (15) "SSN" means Social Security number.¶¶
- (16) "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 184.616~~, 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

ADOPT: 735-062-0006

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As adopted, 735-062-0006 specifies the documents and types of documents the department will and will not accept as proof of an applicant's SSN, or proof that the applicant is not eligible for an SSN, before a Real ID compliant driver license, driver permit or identification card can be issued.

CHANGES TO RULE:

735-062-0006

Real ID Requirements for Collection of Proof and Verification of SSN or Proof of Ineligibility for a SSN

(1) When an applicant who is eligible for a SSN applies for any first-time or renewal Real ID, the applicant must provide to DMV the SSN assigned to the applicant by the SSA.¶

(2) When an applicant who is eligible for a SSN applies for a first-time Real ID, DMV will require proof of the applicant's SSN. Proof of that SSN must have the applicant's full SSN and may include:¶

(a) Social Security Card;¶

(b) W-2 Form;¶

(c) 1099 Form (SSA or non-SSA); or¶

(d) A paystub with the applicant's name and SSN on it. ¶

(3) An applicant who applies for a first-time or renewal non-commercial Real ID and claims to be ineligible for a SSN must provide proof that the applicant is not eligible for a SSN. An applicant may prove ineligibility for a SSN by presenting documents issued by the United States Department of Homeland Security or other federal agencies, which demonstrate that the applicant is not eligible to be assigned a SSN by the SSA. The applicant must also certify that the applicant is ineligible for a SSN.¶

(4) DMV will not accept proof of ineligibility for a SSN from any applicant for a Real ID who presents proof of being a citizen or lawful permanent resident of the United States or proof of being legally present with authorization for employment in the United States.¶

(5) When an applicant provides a SSN as required by section (1) of this rule, DMV will submit the SSN to the SSA for verification. An applicant's SSN is verified when SSA notifies DMV that the applicant's SSN, name and date of birth matches SSA's records.¶

(6) Notwithstanding section (5) of this rule, a SSN is not considered verified if the SSA notifies DMV that the SSN provided is inactive, invalid, impossible, not verifiable for other reasons or if there is a system error. DMV will not issue a Real ID to an applicant with a SSN that is not verified.¶

(7) DMV will not issue a temporary driver permit as described in OAR 735-062-0032 to an applicant applying for a Real ID.¶

(8) DMV will not issue a temporary identification card as described in OAR 735-062-0033 to an applicant applying for a Real ID.¶

(9) Notwithstanding OAR 735-062-0008(2)(d) and 735-062-0011(8)(d), an applicant for a replacement Real ID must meet SSN verification requirements set forth in OAR 735-062-0005.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.050, 807.455, 807.480, 6 CFR ¶37.11, 6 CFR ¶37.13, 6 CFR ¶37.23 & 6 CFR ¶37.25

Statutes/Other Implemented: ORS 802.200, 807.021, 807.022, 807.050 & 807.455 & 807.480

ADOPT: 735-062-0008

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As adopted, 735-062-0008 establishes many of the same licensing issuance requirements already set forth in 735-062-0007 and establishes new licensing requirements for first-time, renewal and replacement Real ID driver licenses and driver permits.

CHANGES TO RULE:

735-062-0008

Real ID Driver Licenses or Driver Permits

(1) Before DMV will issue a first-time Real ID driver license or driver permit, the person applying for the Real ID driver permit or driver license must:

(a) Satisfy all requirements set forth in ORS 807.040 and, if under the age of 18, 807.060(2)(a). 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 proof of SSN or proof of ineligibility of SSN as provided in OAR 735-062-0006;

(d) Provide proof of identity, date of birth and lawful status as provided in OAR 735-062-0022;

(e) Provide proof of legal name as provided in OAR 735-062-0023;

(f) Provide proof of the person's identity and date of birth as provided in OAR 735-062-0020; and

(g) Provide proof of the person's residence address as provided in OAR 735-062-0031.

(h) Provide proof, as provided in OAR 735-016-0070, that the person is domiciled in or a resident of Oregon;

(i) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016;

(2) Before DMV will issue a replacement or renewal Real ID driver permit or driver license, the applicant applying must:

(a) Provide proof of identity and lawful status as provided in OAR 735-062-0022.

(b) If there has been any change to the applicant's name, the applicant must provide proof of the change as required by OAR 735-062-0023.

(c) If there has been any change to the applicant's date of birth, the applicant must provide proof of the change as required by OAR 735-062-0022.

(d) If there has been any change to the applicant's SSN, the applicant must provide proof of the change as required by 735-062-0006.

(3) All Real ID driver licenses and driver permits issued by the department must contain the current full legal name of the person.

(4) DMV will not issue a Real ID driver license or driver permit to a person who holds a current, valid Real ID or non-Real ID driver license, driver permit or identification card issued by this state or any other state. To become eligible, the person must surrender the Real ID or non-Real ID driver license, driver permit or identification card before DMV may issue the Oregon Real ID driver license or driver permit. If the person's Real ID or non-Real ID driver license or driver permit 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.

(5) A person is not eligible for driving privileges under ORS 807.060(4) or (5) and DMV will not issue or renew driving privileges or replace a Real ID driver license or driver permit if the applicant applying for driving privileges



answers "yes" to any of the following questions:¶

(a) When the person is unable to pass a DMV vision screening: "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?" ¶

(b) "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?"¶

(c) "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"¶

(6) A person who is denied issuance or renewal of driving privileges or replacement of a Real ID driver license or driver permit under section (5) of this rule will be allowed to establish or reestablish eligibility by passing DMV examinations under ORS 807.070, by getting a determination of eligibility from the Medical Determination Officer under ORS 807.090 or both, as determined by DMV. The requirement may be waived if DMV determines the application was completed in error and the person is eligible for driving privileges.¶

(7) Upon receipt of an application for a Real ID driver license or driver permit, DMV will make an inquiry to NDR/PDPS, CDLIS and SPEXS/S2S to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶

(8) 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 with NDR/PDPS, CDLIS and SPEXS/S2S indicates the applicant's driving privilege is not fully valid.¶

(9) DMV will not issue driving privileges to a person until the person's driving privilege is 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 non-commercial Real ID driver license to a person whose CDL driving privileges are not valid as long as the applicant is eligible for a regular Class C non-commercial or equivalent driving privilege.¶

(10) DMV will not issue a Real ID permit to a person who is applying for a Commercial Learners Permit, Motorcycle Instruction Permit, Emergency Permit, or Special Student Permit. ¶

(11) A Real ID driver license issued to a person with a February 29 birth date 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.¶

(12) After determining that an applicant has met all requirements under this rule, DMV will issue the Real ID driver license or driver permit and mail it to the address provided by the applicant at the time of the application.¶

(13) DMV will issue to an applicant who has provided proof of lawful status in the United States on a temporary basis, as described in OAR 735-062-0022(6), a Real ID driver license expiring on the date the applicant is no longer authorized to stay in the United States, as indicated by the document the person presented as proof of lawful status, but no longer than eight years from the date of issuance, or if there is no definite end to the authorized stay, for a period of one year. ¶

(14) DMV will issue an applicant who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of lawful status as set forth in OAR 735-062-0022(5), a Real ID driver license with an expiration date as described in ORS 807.130(1) or (2).

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.040, 807.050, 807.060, 807.120, 807.455, 807.480, Or laws 2018, ch. 60, sec. 3, Or laws 2019, ch. 312 sec. 34, 6 CFR ¶37.11, 6 CFR ¶37.17, 6 CFR ¶37.21 & 6 CFR ¶37.29

Statutes/Other Implemented: ORS 807.021, 807.040, 807.060, 807.066, 807.130, 807.455, 807.480 & Or laws 2018, ch. 60, sec. 3

ADOPT: 735-062-0011

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As adopted, 735-062-0011 establishes many of the same identification card issuance requirements already set forth in 735-062-0009 and establishes new identification card issuance requirements for first-time, renewal and replacement Real ID identification cards.

CHANGES TO RULE:

### 735-062-0011

#### Real ID Identification Cards

(1) Pursuant to ORS 807.400 and 6 CFR part 37 and as provided in this rule, DMV will issue a Real ID identification card to a person who does not have a valid Real ID or non-Real ID driver license or driver permit.¶

(2) Before DMV will issue a first-time Real ID identification card, the applicant must: ¶

(a) Satisfy all identification card requirements set forth in ORS 807.400 and 807.410, except as described under section (9) of this rule;¶

(b) Provide proof of SSN or proof of ineligibility of SSN as provided in OAR 735-062-0006;¶

(c) Provide proof of identity, date of birth and lawful status as provided in OAR 735-062-0022;¶

(d) Provide proof of legal name as provided in OAR 735-062-0023;¶

(e) Provide proof of the person's identity and date of birth as provided in OAR 735-062-0020; ¶

(f) Provide proof of the person's residence address as provided in OAR 735-062-0031; and¶

(g) Provide proof, as provided in OAR 735-016-0070, that the person is domiciled in or a resident of Oregon.¶

(h) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016.¶

(3) All Real ID identification cards issued by the department must contain the current full legal name of the person.¶

(4) DMV will not issue a Real ID identification card to a person who holds a current, valid Oregon Real ID or a Real ID issued by any other state. DMV will make an inquiry to SPEXS to determine if the applicant holds a Real ID. To become eligible, the person must surrender the Real ID before DMV may issue the Oregon Real ID identification card. If the person's Real ID 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.¶

(5) Real ID identification cards issued to persons for whom DMV has created an Oregon driving record will reflect the same number as that on the existing record.¶

(6) Applicants for a first-time Real ID identification card must personally apply at a DMV office to receive an identification card.¶

(7) All Real ID identification cards must include a photograph of the cardholder.¶

(8) Before DMV will issue a replacement or renewal Real ID identification card, the applicant applying must:¶

(a) Provide proof of identity and lawful status as provided in OAR 735-062-0022.¶

(b) If there has been any change to the applicant's name, the applicant must provide proof of the change as required by OAR 735-062-0023.¶

(c) If there has been any change to the applicant's date of birth, the applicant must provide proof of the change as required by OAR 735-062-0022.¶

(d) If there has been any change to the applicant's Social Security number, the applicant must provide proof of the change as required by OAR 735-062-0006.¶

(9) DMV will waive the fee requirements set forth in ORS 807.410 for those persons applying for a Real ID identification card when:¶

(a) The person voluntarily surrenders an Oregon Real ID driver license or driver permit to DMV based upon the person's recognition that the person is no longer competent to drive; or¶

(b) The person's driving privileges are suspended under ORS 809.419(1) and the person voluntarily surrenders the person's license or driver permit to DMV.¶

(10) A Real ID identification card issued to a person with a February 29 birth date 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.¶

(11) After determining that an applicant has met all requirements under this rule, DMV will issue the Real ID identification card and mail it to the address provided by the applicant at the time of application.¶

(12) DMV will issue to an applicant who has provided proof of lawful status in the United States on a temporary basis, as described in OAR 735-062-0022(6), a Real ID identification card expiring on the date the applicant is no longer authorized to stay in the United States, as indicated by the document the person presented as proof of lawful status, but no longer than eight years from the date of issuance, or if there is no definite end to the authorized stay, for a period of one year. ¶

(13) DMV will issue a person who is a citizen of a country with a Compact of Free Association with the United States and who provides proof of lawful presence as specified in OAR 735-062-0022(5) a Real ID identification card with an expiration date as described in ORS 807.400(8).¶

(14) DMV may renew a Real ID identification card as provided in OAR 735-062-0090 or may do so using a previous photograph only as provided in OAR 735-062-0125.¶

(15) DMV may replace a Real ID identification card as provided in OAR 735-062-0110 or may do so using a previous photograph only as provided 735-062-0125.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.040, 807.050, 807.400, 807.455, 807.480, Or laws 2018, ch. 60, sec. 3, Or laws 2019, ch. 312 sec. 34, 6 CFR §37.11, 6 CFR §37.17, 6 CFR §37.21 & 6 CFR §37.29

Statutes/Other Implemented: ORS 807.021, 807.022, 807.130, 807.400, 807.455, 807.480 & Or Laws 2018, ch. 60, sec. 3

ADOPT: 735-062-0022

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As adopted, 735-062-0022 specifies the documents and types of documents the department will accept as proof of identity, date of birth and lawful status before a Real ID compliant driver license, driver permit or identification card is issued.

CHANGES TO RULE:

735-062-0022

Proof of Identity, Date of Birth and Lawful Status for Real ID

(1) An applicant for a Real ID, whether first-time, renewal or replacement, must provide valid documentary proof of identity, date of birth, and that the applicant has lawful status in the United States. The documents provided must be original or certified copies; photocopies are not acceptable. ¶

(2) Notwithstanding section 1 of this rule, an applicant for a renewal or replacement of a previously issued Real ID will not need to provide the proof required in section (1) if the applicant's DMV record shows DMV has previously issued a Real ID and shows that the applicant is a citizen, permanent legal resident of the United States or a citizen of the Federated States of Micronesia, the Marshall Islands or Palau. ¶

(3) Documents acceptable as proof of identity, date of birth and U.S. citizenship include:¶

(a) A birth certificate issued by a U.S. Territorial government, the District of Columbia or the government of a state or political subdivision of a state of the United States. DMV will not accept a hospital-issued birth certificate, hospital card or birth registration or baptismal certificate.¶

(b) U.S. Consular Report of Birth Abroad (FS-240).¶

(c) U.S. government-issued Certification of Report of Birth (DS-1350 or FS-545).¶

(d) United States passport, unexpired.¶

(e) United States passport card, unexpired. ¶

(f) U.S. Territory passport, unexpired.¶

(g) Certificate of Citizenship (N560 and N561).¶

(h) Certificate of Naturalization (N550, N570 and N578).¶

(4) Proof of identity, date of birth and lawful status for a permanent legal resident in the U.S is a valid, unexpired Permanent Resident card (I-551).¶

(5) Proof of identity, date of birth and lawful status in the United States for a citizen of a nation with a Compact of Free Association is an unexpired passport issued by the Federated States of Micronesia (FSM), the Republic of the Marshall Islands (RMI) or the Republic of Palau, accompanied by an Arrival/Departure Record (I-94 or CBP I-94A). ¶

(6) An applicant who is lawfully present in the United States on a temporary basis may qualify for a limited term Real ID by providing one of the following documents: ¶

(a) Unexpired foreign passport with a valid, unexpired U.S. visa affixed accompanied by an Arrival/Departure Record (I-94 or CBP I-94A) or a valid I-797A Notice of Action issued by the United States Department of Homeland Security or Custom and Border Protection, documenting the applicant's most recent admittance into the United States.¶

(b) Employment Authorization card (I-766), unexpired. ¶

(7) DMV will not accept any document issued by the United States Immigration and Customs Enforcement Agency containing the statement:¶

(a) Under Docket Control;¶

(b) Under the Order of Supervision; or¶

(c) Notice of Immigration Bond Cancelled.¶

(8) DMV will not accept as the proof required by sections (3)(d) to (f) of this rule a document that is not verified through USPVS. ¶

(9) DMV will not accept as the proof required by sections (3)(g) to (h), (4), (5), (6) and (7) of this rule a document

that is not verified through the SAVE system.

(10) DMV will not accept any document as proof of identity, date of birth and lawful status in the United States that is:

(a) Stamped cancelled;

(b) Hole-punched;

(c) Marked with clipped corners;

(d) Altered; or

(e) Amended, unless the amendments were completed by the issuing authority.

(10) DMV will not issue a temporary driver permit as described in OAR 735-062-0032 to an applicant applying for a Real ID.

(11) DMV will not issue a temporary identification card as described in OAR 735-062-0033 to an applicant applying for a Real ID.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.022, 807.455, 807.480, 6 CFR 37.3 & 6 CFR 37.11

Statutes/Other Implemented: ORS 807.021, 807.022, 807.455 & 807.480

ADOPT: 735-062-0023

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As adopted, 735-062-0023 specifies the documents and types of documents the department will accept as proof of legal name if the applicant's name, date of birth or SSN has changed after a Real ID issuance and before a renewal or replacement Real ID compliant driver license, driver permit or identification card is issued.

CHANGES TO RULE:

### 735-062-0023

#### Proof of Legal Name, Real ID

(1) If a first-time Real ID applicant's legal name is different from the name in the document submitted to prove identity and lawful status pursuant to OAR 735-062-0022, the applicant must provide proof of the current legal name sufficient to establish that the applicant is the same person named in the document submitted as proof of identity and lawful status. ¶

(2) There must be sufficient connection between information shown on the identity and lawful status document and the proof of the applicant's current legal name for DMV to determine that the applicant is the person named in the identity and lawful status document. Examples of connecting information include first name, middle name or middle initial, previous surnames used, date of birth, place of birth, social security number or mother's maiden name. ¶

(3) DMV may accept an identity document listed in OAR 735-062-0020 as proof of the applicant's current legal name. ¶

(4) DMV may use the applicant's DMV record to help establish a connection between the identity document and the document used to establish identity and lawful status. ¶

(5) If the applicant's proof of legal name does not establish the applicant is the same person named in the document submitted as proof of identity and lawful status, or the applicant's identity document or DMV record do not show the person's current legal name, the applicant must provide documentary proof of a legal name change. Documentary proof of an applicant's legal name change may include, but is not limited to: ¶

(a) An official government-issued marriage document; ¶

(b) A divorce decree; ¶

(c) A certificate of registered domestic partnership; ¶

(d) A judgment of dissolution or annulment of marriage or domestic partnership; ¶

(e) An adoption decree; ¶

(f) A court decree; or ¶

(g) An order or judgment legally changing the applicant's name. ¶

(6) An applicant for a renewal or replacement Real ID must provide proof of legal name if the applicant's name has changed since the last issuance of a Real ID. Proof of legal name must be established in accordance with sections (3), (4) and (5) of this rule.

Statutory/Other Authority: ORS 184.619, 802.010 & 807.455

Statutes/Other Implemented: ORS 807.455, 6 CFR 37.13

ADOPT: 735-062-0031

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As adopted, 735-062-0031 specifies the documents, types of documents and quantity of documents the department will accept as proof of residence address before a Real ID compliant driver license, driver permit or identification card is issued.

CHANGES TO RULE:

735-062-0031

Proof of Residence Address For Real ID

(1) DMV requires all applicants for a first-time Real ID to present proof to establish the applicant's current residence address. Current residence address is the address where the applicant actually lives. DMV will include this address on the Real ID driver license, driver permit, or identification card. Acceptable proof to establish current residence address includes any two items listed in section (2) of this rule, which must be presented in hardcopy format. Proof may be of the same type, but may not be issued from the same institution. ¶

(2) Proof of residence address must contain the applicant's first name, last name, and current residence address and includes any of the following:¶

(a) Any proof of lawful status, identity and date of birth document listed in OAR 735-062-0022 or 735-062-0020.¶

(b) Mortgage documents or a rental or lease agreement.¶

(c) Monthly rental receipt or letter from a hotel, motel, campground or recreational vehicle park that permits extended stays.¶

(d) DMV Form 735-7480, Affidavit of Shared Residence. The person certifying the applicant's address must accompany the applicant at the time of application and present one acceptable proof of address document as set forth in this rule.¶

(e) Utility hook-up order or account statement issued by the service provider.¶

(f) A loan agreement, payment booklet, voucher, statement or other financial record.¶

(g) Any document delivered to the current resident address by the United States Postal Service, FedEx, UPS, or other delivery service. DMV will accept a document with or without the envelope or packaging as long as the residence address is printed on the document.¶

(h) Oregon vehicle title or registration documents belonging to the primary owner listed and containing the owner's residence address.¶

(i) Oregon manufactured structure ownership documents.¶

(j) Oregon voter notification card.¶

(k) Selective Service card.¶

(L) Insurance card, insurance policy, medical records or health benefits card.¶

(m) Educational institution transcript forms or other school documents showing enrollment for the current school year.¶

(n) An unexpired professional license issued by an agency in the United States.¶

(o) Form DS2019, Certificate of Eligibility for Exchange Visitor (J-1) Status.¶

(p) A pay stub, W2, 1099 or income tax return.¶

(q) Letter certifying the applicant's residence address from the United States Postal Service, Oregon State Hospital, Oregon Veteran Rehabilitation Center, a homeless shelter, a transitional service provider, nursing home, assisted/independent living care facility/home, adult care service provider/skill nursing facility, or halfway/group home, approved by DMV.¶

(r) A letter from a corporation or business that provides corporate housing to employees.¶

(s) Form 735-6438A, Request for Police or Public Agency Address on DMV Records, if the applicant is authorized under ORS 802.250 to use an agency address in lieu of residence address.¶

(3) If the applicant does not have a residence address, DMV may accept a descriptive address with a mailing

address. DMV may require the applicant to provide proof that no residence address has been assigned to the property. Such proof may include, but is not limited to, a statement from the U.S. Postal Service or from the Assessor's Office in the county in which the property is located.

(4) An applicant who is homeless may use a descriptive address of the location where the applicant actually resides, e.g., "under the west end of Burnside Bridge." The applicant must prove that the applicant is a resident or domiciled in Oregon pursuant to OAR 735-016-0040. In addition to the descriptive address, the applicant must also provide a mailing address.

(5) Notwithstanding OAR 735-062-0030, an applicant may not use a residence address of "continuous traveler" or "temporary residence" for a first-time, renewal or replacement Real ID driver license, permit, or identification card.

(6) An applicant applying for a renewal Real ID must provide proof of residence address as provided in OAR 735-062-0030.

Statutory/Other Authority: ORS 184.619, 802.010, 807.050, 807.400, 807.455 & 6 CFR §37.11

Statutes/Other Implemented: ORS 802.250, 807.110, 807.400, & 807.455



AMEND: 735-062-0090

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, 735-062-0090 establishes requirements to renew driver licenses and identification cards and incorporates additional provisions specific to Real ID driver license or identification card renewal requirements. Requirements set forth in 735-062-0006, 735-062-0008, 735-062-0011 and 735-062-0022 must be satisfied before DMV can renew a Real ID driver license or identification card.

CHANGES TO RULE:

735-062-0090

Renewal Driver Licenses and Identification Cards ¶¶

- (1) DMV will renew the driver license of a ~~person~~ applicant who satisfies the requirements set forth in ORS 807.150.¶¶
- (2) An applicant for the renewal of a driver license or identification card must:¶¶
- (a) Provide a verifiable SSN or proof that the ~~person~~ applicant is not eligible for a SSN as provided in OAR 735-062-0005(2);¶¶
- (b) Provide proof of legal presence as provided in OAR 735-062-0015;¶¶
- (c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and 735-062-0016; and¶¶
- (d) Provide proof of identity and date of birth as provided in OAR 735-062-0020.¶¶
- (3) Notwithstanding subsection (2)(a) of this rule, an applicant for a Real ID must provide proof of SSN as provided in OAR 735-062-0006.¶¶
- (4) Notwithstanding subsection (2)(b) of this rule, an applicant for a Real ID must provide proof of lawful status as provided in OAR 735-062-0022.¶¶
- (5) If applying for a Real ID driver license or permit, the applicant must also meet all requirements of OAR 735-062-0008.¶¶
- (6) If applying for a Real ID identification card, the applicant must also meet all requirements of OAR 735-062-0011.¶¶
- (7) An applicant for the renewal of a driver license or identification card that includes a change of residence address must present to DMV one of the items constituting proofs of residence address listed in OAR 735-062-0030 that shows the ~~person~~ applicant's current residence address. ~~(Current residence address is the residence address to be included on the license or identification card to be issued.)~~¶¶
- (48) DMV may renew an unexpired driver license or identification card up to 12 months prior to the expiration date.¶¶
- (59) If a driver license has been expired more than one year, the applicant must re-apply for an original driver license and meet the requirements set forth in OAR 735-062-0007.¶¶
- (610) Before processing a driver license renewal, DMV will make an inquiry to ~~the National Driver Register/Problem Driver Pointer System (NDR/PDPS) and the Commercial Driver License Information System (CDLIS)~~ NDR/PDPS, CDLIS and SPEXS/S2S to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶¶
- (711) If the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction, the applicant may not renew an Oregon driver license until the applicant either submits a clearance letter that complies with OAR 735-062-0160, or a DMV inquiry to ~~NDR/PDPS and~~ CDLIS and SPEXS/S2S shows the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.¶¶
- (812) Notwithstanding section (711) of this rule, DMV will renew the driving privileges of an applicant whose driving privileges are suspended, revoked, canceled or otherwise not valid in another jurisdiction if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.¶¶
- (913) DMV will not renew an Oregon driver license or permit if the applicant has a current, valid Oregon or out-of-

state identification card. To become eligible, the ~~person~~applicant must surrender the Oregon or out-of-state identification card before DMV will renew the Oregon driver license or permit. If the ~~person~~applicant's identification card is lost or the ~~person~~applicant no longer has the identification card in his or herthe applicant's possession, the ~~person~~applicant must provide a statement attesting to this fact.¶

(104) Notwithstanding subsection (2)(b) of this rule, DMV will renew a limited term non-Real ID driver license, limited term driver permit or limited term identification card to an applicant who otherwise qualifies for renewal under this rule and has provided proof of temporary legal presence in the United States as described in OAR 735-062-0015(4) that has been extended or is still in effect.¶

(145) Notwithstanding section (4) of this rule, DMV will renew a limited term Real ID to an applicant who otherwise qualifies for renewal under this rule and has provided proof of lawful status in the United States as described in OAR 735-062-0022 that has been extended or is still in effect.¶

(16) Notwithstanding subsection (2)(b) and section (105) of this rule, DMV will renew a limited term non-Real ID driver license, limited term non-Real ID driver permit or limited term non-Real ID identification card for a period of two years to an applicant who otherwise qualifies for renewal under this rule if the ~~person~~applicant meets all requirements for issuance under Or Laws 2018, chapter 60, section 3.

Statutory/Other Authority: ORS 184.619, 802.010, 802.012, 807.021, 807.022, 807.040, 807.455, 807.480, Or laws 2018, ch. 60, sec. 3 & 6 CFR ¶ 37.25

Statutes/Other Implemented: ORS 802.012, 802.540, 807.021, 807.022, 807.040 - 807.060, 807.100, 807.150, 807.400, Or laws 2018, ch. 60, sec. 3

AMEND: 735-062-0110

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, 735-062-0110 establishes requirements to replace driver licenses, driver permits and identification cards and incorporates additional provisions specific to Real ID driver license, driver permit or identification card replacement requirements. DMV may issue a replacement Real ID driver license, driver permit or identification card for any of the reasons specified in this rule as long as the applicant meets requirements set forth in 735-062-0008 for driver licenses and permits or 735-062-0011 for identification cards.

CHANGES TO RULE:

735-062-0110

Replacement Driver Permits, Driver Licenses, and Identification Cards ¶¶

- (1) DMV will issue a replacement driver permit, driver license or identification card for one of the reasons listed in section (2) of this rule if the applicant meets the requirements set forth in ORS 807.160 and this rule and the applicant is eligible for the driver license, driver permit or identification card.¶¶
- (2) DMV may issue a replacement driver license, driver permit or identification card when the applicant:¶¶
- (a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the applicant's driver license, driver permit or identification card.¶¶
  - (b) Changes a residence address or mailing address from the address noted on the applicant's driver license, driver permit or identification card or adds a mailing address.¶¶
  - (c) Is a corrections officer, eligible employee, or household member of a corrections officer or eligible employee killed in the line of duty who has requested, in accordance with ORS 802.250 or 802.253, that department records show the address of the corrections officer's or eligible employee's employer.¶¶
  - (d) Changes names from the name noted on the applicant's driver license, driver permit or identification card.¶¶
  - (e) Is applying ~~for~~ or is required to add or remove a restriction on the applicant's driver license or driver permit.¶¶
  - (f) Is applying ~~for~~ or is required to add or remove an endorsement other than a motorcycle or farm endorsement on the applicant's driver license or driver permit.¶¶
  - (g) Requests that a veteran designation be added to or removed from the applicant's driver license, driver permit or identification card. To add a veteran designation, the applicant must provide proof the applicant is a veteran as set forth in OAR 735-062-0012(2).¶¶
  - (h) Furnishes proof satisfactory to the department or the department determines that the department made an error when issuing the applicant's driver license, driver permit or identification card.¶¶
  - (i) Surrenders the applicant's non-Real ID driver license that was issued without a photograph under OAR 735-062-0120 and requests a driver license with a photograph.¶¶
  - (j) Surrenders a driver license, driver permit or identification card to the department following a suspension and the applicant becomes eligible for driving privileges or an identification card.¶¶
  - (k) Has a driver license, driver permit or identification card that was confiscated by a police officer, a court or other agency and the applicant is eligible for a driver license, driver permit or an identification card.¶¶
  - (L) Requests to change any physical description, notation, photograph or signature on the driver license, driver permit, or identification card or to add or delete an anatomical donor designation.¶¶
  - (m) Has not received the applicant's driver license, driver permit or identification card in the mail and the applicant does not meet the requirements under OAR 735-062-0092(3) for a reissued driver license, driver permit or identification card.¶¶
  - (n) Has a reason satisfactory to DMV to be issued a driver license, driver permit or identification card with a different distinguishing number than the one being replaced.¶¶
  - (o) Requests a downgrade from one license class to another (e.g., a Commercial Driver License to a non-commercial Class C driver license).¶¶
  - (p) Requests the addition of an endorsement to a CLP or the removal of a restriction from a CLP. ¶¶

- (g) Requests to correct information on the driver license, driver permit or identification card that was provided to DMV in error.¶
- (3) An applicant for a replacement non-Real ID driver license, driver permit, or identification card must:¶
- (a) Provide a verifiable SSN, or proof that the applicant is not eligible for a SSN, as provided in OAR 735-062-0005(2);¶
- (b) Provide proof of legal presence as provided in OAR 735-062-0015;¶
- (c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016; and¶
- (d) Provide proof of identity and date of birth as provided in OAR 735-062-0020.¶
- (4) DMV may issue a replacement Real ID driver license or driver permit for one of the reasons provided in section (2) of this rule if the applicant meets the requirements set forth in this rule and OAR 735-062-0008.¶
- (5) DMV may issue a replacement Real ID identification card for one of the reasons provided in section (2) of this rule if the applicant also meets the requirements set forth in this rule and OAR 735-062-0011.¶
- (6) An applicant for a replacement driver license, driver permit, or identification card must surrender the license, driver permit or identification card replaced to DMV, if possible.¶
- (~~57~~) Before issuing a replacement driver license or driver permit, DMV will make an inquiry to ~~the National Driver Register/Problem Driver Pointer System (NDR/PDPS) and the Commercial Driver License Information System (CDLIS)~~ NDR/PDPS, CDLIS and SPEXS/S2S to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.¶
- (~~68~~) If the applicant's driving privileges are suspended, revoked, canceled or otherwise invalid in any other jurisdiction, DMV will not issue a replacement driver license or driver permit until the applicant submits a clearance letter that complies with OAR 735-062-0160 or a DMV inquiry to ~~the NDR/PDPS and, CDLIS and~~ SPEXS/S2S shows that the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.¶
- (~~79~~) Notwithstanding section (~~78~~) of this rule, DMV will issue a replacement driver license or driver permit to an applicant whose driving privileges are suspended, revoked, canceled or otherwise invalid if the only remaining reinstatement requirement in the other jurisdiction is proof of future financial responsibility.¶
- (~~810~~) Notwithstanding subsection (3)(c) of this rule, when an applicant applies for a replacement driver license, driver permit or identification card at a DMV office, DMV will issue the replacement driver license, driver permit or identification card using the applicant's previous photograph on file ~~with DMV except in situations including, but not limited to, the following:~~¶
- (a) ~~The last photograph on file with DMV is older than nine years, or does not meet current quality standards for capturing a photograph as described in OAR 735-062-0016;~~¶
- (b) ~~The applicant requesting the replacement driver license, driver permit or identification card is between the ages of 21 and 27 and is not eligible for a renewal;~~¶
- (c) ~~The applicant is requesting the replacement driver license, driver permit or identification card because of a change in the applicant's physical appearance that may be considered significant;~~¶
- (d) ~~The applicant is requesting the replacement driver license, driver permit or identification card because the applicant is changing the gender designation on record with DMV or applicant is changing the applicant's name as part of transitioning to the desired gender;~~¶
- (e) ~~The applicant is requesting the replacement driver license, driver permit or identification card after a suspension imposed under ORS 809.310(3)(a) or 809.310(3)(b) or 809.415(5) has been rescinded or reinstated.~~¶
- (f) ~~The applicant:~~¶
- (A) ~~Will not be in this state for circumstances constituting "good cause" under OAR 735-062-0125 when the applicant's driver license, driver permit or identification card must be renewed; and~~¶
- (B) ~~Is applying for the replacement driver license, driver permit or identification card to update the applicant's that is not older than nine years and meets standards described in OAR 735-062-0016, unless the applicant chooses to have a new photograph taken.~~¶
- (11) DMV will not issue a first-time Real ID using an applicant's previous photograph on file with DMV so the

applicant will be eligible for issuance of a Valid with Previous Photograph renewal as authorized under OAR 735-062-0125.

Statutory/Other Authority: ORS 184.619, 802.010, 807.021, 807.160, 807.455 & 807.480

Statutes/Other Implemented: ORS 807.021, 807.160, 807.220, 807.230, 807.280, 807.400, 807.455, 807.480 & 6 CFR §37.11

AMEND: 735-062-0125

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, 735-062-0125 establishes standards for renewing or replacing driver licenses, driver permits or identification cards containing a photograph already on file with DMV and incorporates additional provisions specific to Real ID requirements.

CHANGES TO RULE:

735-062-0125

Standards for Issuance of a Renewal or Replacement Driver License, Driver Permit or Identification Card Containing a Previous Photograph ¶

(1) DMV may renew or replace an applicant's Real ID or non-Real ID driver license, driver permit or identification card, in accordance with applicable statutes authorizing renewal or replacement, by issuing a renewal or replacement driver license, driver permit or identification card containing a photograph of the applicant already on file with DMV, if the applicant:¶

(a) Provides proof that ~~the or she~~ applicant is a resident of or domiciled in Oregon as described in OAR 735-016-0040;¶

(b) Provides proof or previously has proven legal presence in the United States as required by OAR 735-062-0015. An applicant who has not previously provided proof to DMV of legal presence in the U.S. may provide a copy, satisfactory to DMV, of one or more documents required by OAR 735-062-0015(2), (3) or (4);¶

~~(c) Provides his or her SSN on the application form~~ Notwithstanding section (1)(b), if an applicant is applying for a renewal or replacement Real ID, the applicant must have previously proven lawful status in the United States as required by OAR 735-062-0022;¶

~~(d) Provides the applicant's SSN as required under OAR 735-062-0005. DMV will verify the SSN with the SSA unless the SSN provided has previously been verified;~~¶

~~(de) Submits a written statement to DMV establishing good cause why he or she is not able to appear and~~ Notwithstanding section (1)(d), if an applicant is applying for thea renewal or replacement driver license, driver permit or identification card at a DMV officeReal ID, the applicant must meet all requirements set forth in OAR 735-062-0006;¶

~~(ef) Provides proof that the or she~~ applicant is, in fact, the applicant to whom the driver license, driver permit or identification card to be renewed or replaced was issued; and¶

~~(fg) Meets all other qualifications for the driver license, driver permit or identification card sought.~~¶

~~(2) Circumstances constitut~~ An applicant for a renewal driver license, driver permit or identification card containing a previous photo on file must submit a written statement to DMV establishing "good cause" for purposes of subsection (1)(d) of this rule why the applicant is not able to appear and apply for the renewal driver license, driver permit or identification card at a DMV office. Circumstances constituting "good cause" include, but are not limited to, the following:¶

(a) The applicant is temporarily in another jurisdiction or country for business reasons, employment or education, will be returning to Oregon, and continues to satisfy Oregon's residency requirements.¶

(b) The applicant is traveling outside of Oregon and the applicant's Oregon driver license, driver permit or identification card is lost, stolen or mutilated;¶

(c) The applicant is traveling outside of Oregon and the applicant's Oregon driver license, driver permit or identification card has expired or will expire before the applicant returns to Oregon; or¶

~~(d) The applicant has a medical condition or health problems that prevent him or her from applying for a renewal or replacement~~ driver license, driver permit or identification card at a DMV field office and submits to DMV proof of the medical condition or health problems from the applicant's licensed health care provider.¶

(3) DMV will not issue a valid with previous photograph replacement or renewal driver license, driver permit or identification card to an otherwise qualified applicant, if the applicant makes a request to change name, date of

birth or SSN.¶

(4) DMV will not issue a valid with previous photograph renewal non-Real ID driver license, driver permit or identification card to an applicant who provided proof of being legally present in the United States on a temporary basis under OARS 735-062-0015(5).¶

(5) DMV will not issue a valid with previous photograph renewal Real ID to an applicant who provided proof of lawful status in the United States on a temporary basis under OAR 735-062-0022.¶

(6) Notwithstanding section (1) of this rule, DMV may issue a renewal ~~or replacement~~ driver license, driver permit or identification card containing a photograph of the applicant already on file with DMV, if the applicant has an Oregon driver license, driver permit or identification card and is on active duty in the United States Armed Forces stationed outside of Oregon who provides a copy of ~~his or her~~ the applicant's:¶

(a) Most current Leave Earning Statement showing Oregon as ~~his or her~~ the applicant's home on record;¶

(b) Federally-issued active duty Military identification card; and¶

(c) SSN to be verified with the SSA, if not previously verified.¶

(67) A spouse, domestic partner or dependent of a military person on active duty in the United States Armed Forces outside of Oregon who qualifies under section (56) of this rule, who has an Oregon driver license, driver permit or identification card may qualify for a renewed ~~or replaced~~ driver license, driver permit or identification card using the previous photograph, if the spouse, domestic partner or dependent provides a copy of the following:¶

(a) The military member's most current Leave Earning Statement showing Oregon as ~~his or her~~ the military member's home on record;¶

(b) The military member's active duty Military identification card;¶

(c) The spouse, domestic partner or dependent's Military identification card; and¶

(d) The spouse, domestic partner or dependent's Social Security number. DMV must verify the SSN with the SSA, if not previously verified.¶

(78) Notwithstanding section (3) of this rule, DMV may issue a renewal or replacement driver license, driver permit or identification card that is not Real ID with a name change to an applicant who provides sufficient proof of full legal name as required by OAR 735-062-0014 and otherwise qualifies for a valid with previous photograph driver license, driver permit or identification card under section (56) or (67) of this rule.¶

(89) A replacement driver license, driver permit or identification card issued at a DMV office will contain the applicant's previous photo on file unless the applicant qualifies for requests a new photograph ~~as defined in OAR 735-062-0110(9).~~¶

(9. ¶

(10) DMV will not replace or renew a driver license, driver permit or identification card under this rule, if the applicant's most recent photograph on file with DMV is more than nine years ~~and two months~~ old.¶

(101) Notwithstanding section (1)(a) of this rule, an applicant for a replacement driver license, permit or identification card containing a previous photo on file is not required to provide proof of residency or domicile in Oregon as described in OAR 735-016-0040.

Statutory/Other Authority: ORS 184.619, 802.010, 807.110, 807.450, 807.480, 6 CFR 237.23 & 6 CFR 237.25

Statutes/Other Implemented: ORS 807.110, 807.400, 807.455 & 807.480

AMEND: 735-062-0160

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, 735-062-0160 inserts a reference to 735-062-0008, which aligns it with the amendments in 735-062-0008 that require a request for verification of a driver license status completed by another jurisdiction. Additional terminology amendments are incorporated.

CHANGES TO RULE:

735-062-0160

Clearance Letter ¶¶

- (1) A clearance letter referred to in OAR 735-062-0007, ~~735-062-0008~~, 735-062-0080(1)(c) or (3)(c) and 735-062-0090 is a letter or Request for Verification of Driver License Status (DMV Form 6600) completed by another jurisdiction indicating the status of the ~~person~~ applicant's driving privileges in that jurisdiction.¶¶
- (2) A clearance letter, as provided in section (1) of this rule, must include ~~the~~ all of the following:¶¶
- (a) Applicant's name;:¶¶
- (b) Applicant's date of birth;:¶¶
- (c) Out-of-jurisdiction license number;:¶¶
- (d) Expiration date of the out-of-jurisdiction license;:¶¶
- (e) Status of ~~person~~ applicant's driving privilege including any endorsements, i.e., valid, expired, suspended, revoked, canceled or otherwise not valid. The letter must include the reason for the suspension, cancellation or revocation, the beginning date of suspension, revocation or cancellation, requirement(s) for reinstatement and the date the ~~person~~ applicant's license will be eligible for reinstatement;:¶¶
- (f) A means of identifying the jurisdiction providing the clearance letter such as letterhead stationery; ~~and~~.¶¶
- (g) The date the clearance letter was completed.¶¶
- (3) ~~The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV)~~ DMV will allow a ~~person~~ applicant whose driving privilege is suspended, revoked, canceled or otherwise not valid to complete certain requirements in this state if the other jurisdiction will accept the Oregon results and issue a clearance letter stating the ~~person~~ applicant's driving privilege ~~is~~ are valid in that jurisdiction. The ~~person~~ applicant may complete:¶¶
- (a) Vision, knowledge or behind-the-wheel tests;¶¶
- (b) Remedial training or schools;¶¶
- (c) Medical, alcohol or other evaluation.¶¶
- (4) It is the applicant's responsibility to provide a clearance letter as required by this rule. A facsimile of a clearance letter is acceptable only if the clearance letter is received by DMV directly from the driver licensing agency in the other jurisdiction. Telephone clearances and Law Enforcement Data System (LEDS) teletype clearances are not acceptable.¶¶
- (5) A clearance letter submitted to DMV will only be valid for issuance of a driver license for 60 days following the date it was completed by the other jurisdiction:

Statutory/Other Authority: ORS ~~184.619~~, 802.010, 802.200, 802.540, 807.040, 807.045, 807.050, 807.060, 807.070, 807.150, 807.170; ~~&~~ 809.310

Statutes/Other Implemented: ORS 807.050



AMEND: 735-063-0200

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, 735-063-0200 provides that administrative rules in OAR 735, division 62, regarding the procedures related to the issuance, renewal or replacement of a Real ID Class C non-commercial driver license also apply to a CDL except as specified in division 63 administrative rules.

CHANGES TO RULE:

735-063-0200

Purpose ¶¶

(1) Chapter 735, division 063 establishes rules for those requirements and processes that are specific to the granting of commercial driving privileges, the retention of those privileges and DMV's sanctioning of those privileges. A person applying for commercial driving privileges must already have a Class C non-commercial license issued by the State of Oregon, or must meet all qualifications for the license. The administrative rules in OAR 735, division 062, regarding the procedures related to the issuance, renewal or replacement of a Class C non-commercial driver license or driver permit also apply to a non-Real ID CDL or a CLP except as specified in these rules. The administrative rules in OAR 735, division 62, regarding the procedures related to the issuance, renewal or replacement of a Real ID Class C non-commercial driver license also apply to a Real ID CDL except as specified in these rules.¶

(2) The following rules in OAR 735, division 062 do not apply to a CDL or a CLP:¶

(a) OAR 735-062-0002;¶

(b) OAR 735-062-0005;¶

(c) OAR 735-062-0010;¶

(d) OAR 735-062-0032;¶

(e) OAR 735-062-0033;¶

(f) OAR 735-062-0035;¶

(g) OAR 735-062-0080;¶

(h) OAR 735-062-0085; and¶

(i) OAR 735-062-300 to 735-062-0390.¶

(3) The other rules in OAR 735, division 062, are applicable to commercial driving privileges either in whole or as specified in the rules below.

Statutory/Other Authority: ORS 184.616, 184.619, 802.010 & 807.455

Statutes/Other Implemented: ORS 807.018, 807.031, 807.035, 807.045, 807.120, 807.173, 807.285, 809.510- & 809.510, 809.515, 809.520, 809.525, 809.530, 809.535, 809.540 & 809.545

AMEND: 735-063-0205

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, 735-063-0205 provides definitions for terms used throughout OAR chapter 735, division 63. First-time Real ID, lawful status and Real ID are defined.

CHANGES TO RULE:

735-063-0205

Definitions ¶¶

Except as otherwise provided in these OAR 735, division 63, rules the following definitions apply to OAR 735, division 63:¶¶

- (1) "AAMVA" means the American Association of Motor Vehicle Administrators.¶¶
- (2) "Accident records" include, but are not limited to DMV records, police reports, crash reports or other reports from motor carriers.¶¶
- (3) "CDL" means commercial driver license.¶¶
- (4) "CDLIS" means the Commercial Driver's License Information System operated by AAMVA for FMCSA.¶¶
- (5) "CDL Third Party Examiner" means an individual certified by DMV to administer CDL skills tests through a CDL Third Party Tester.¶¶
- (6) "CDL skills test" means a three-part test to determine a CDL applicant's driver competency, consisting of: a pre-trip vehicle inspection, a basic control skills test and an on-road drive test.¶¶
- (7) "CDL Third Party Tester" means a person authorized by DMV to operate a CDL skills testing program and provide CDL Third Party Examiner(s) to administer CDL skills test.¶¶
- (8) "CLP" means a commercial learner driver permit issued under ORS 807.285 ~~on or after September 26, 2016, or a commercial instruction permit issued under ORS 807.280 prior to September 26, 2016.~~¶¶
- (9) "CMV" means commercial motor vehicle, as defined in ORS 801.208.¶¶
- (10) "Conviction record" means an official record showing a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture.¶¶
- (11) "CSTIMS", means the Commercial Skills Test Information Management System, a web-based system for scheduling and reporting CDL skills tests information and results.¶¶
- (12) "Disqualifying condition" is a medical condition(s) not meeting FMCSA physical qualification standards as set forth in 49 CFR 391.41(b).¶¶
- (13) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.¶¶
- (14) "Driving type" means a certification by an applicant or holder of a CDL or CLP for one of the following:¶¶
  - (a) Non-excepted interstate: the person operates or expects to operate in interstate commerce;¶¶
  - (b) Excepted interstate: the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3; or¶¶
  - (c) Non-excepted intrastate: the person operates only in intrastate commerce.¶¶
- (15) "Fifth wheel hitch" ~~mean~~has the coupling system, as defined meaning set forth in ORS 801.275.¶¶
- (16) "FMCSA" means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.¶¶
- (17) "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.¶¶
- (18) "Intrastate commerce" has the meaning set forth in 49 CFR 390.5 and includes any trade, traffic or transportation taking place exclusively within Oregon.¶¶
- (189) "Lawful status" means, 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.¶¶

(20) "Medical Determination Officer" means a physician, nurse practitioner or physician assistant, licensed to provide health care services by the State of Oregon, and is employed or designated by DMV to make medical determinations of a driver's medical eligibility for driving privileges.¶

(219) "Medical Specialist" means a person who is licensed as a doctor of medicine, a doctor of osteopathic medicine, an optometrist or an audiologist.¶

(202) "Physician" has the meaning set forth in ORS 807.710.¶

(213) "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. ¶

(24) "SPE certificate" means a Skill Performance Evaluation certificate issued by FMCSA pursuant to 49 CFR 391.49 to a person who demonstrates the ability to safely operate a CMV in spite of limb impairment or loss.¶

(225) "Waiver of Physical Disqualification" or "waiver" means a waiver issued by DMV to a driver who does not meet certain physical qualifications required for drivers of CMVs as set forth in 49 CFR 391.41(b).

Statutory/Other Authority: ORS 184.6169, 184.619, 802.010, 802.010, 807.450, Or Laws 2018, ch 60, sec. 1 & 6 CFR 37.3

Statutes/Other Implemented: ORS 807.040, 807.100 & 807.450

AMEND: 735-063-0260

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, 735-063-0260 establishes Real ID specific requirements for persons applying for a Real ID CDL to meet social security number and lawful status verification requirements compliant with the Real ID Act. The amendment also eliminates the staggered waiting period after an applicant fails a drive test. An applicant may now be eligible to re-test the following day.

CHANGES TO RULE:

735-063-0260

CDL Testing and Requirements for Issuance of CDL ¶

(1) An applicant for a CDL must first be issued a CLP and pass a CDL skills test unless the applicant qualifies for one of the following exceptions:¶

(a) The applicant currently holds an Oregon CDL and is applying to renew or replace a CDL granting the exact same privileges.¶

(b) The applicant currently holds an Oregon CDL, is qualified for and has passed the knowledge test to add one or more of the following endorsements:¶

(A) Tank;¶

(B) Hazardous Materials;¶

(C) Doubles/Triples.¶

(c) The applicant surrenders a valid CDL issued by another state or the District of Columbia and the applicant:¶

(A) Meets the qualifications set forth in OAR 735-062-0080 subsections (1)(a) - (e);¶

(B) Surrenders a CDL that is the same class as the CDL for which the application is made;¶

(C) Passes the knowledge test for an Oregon Class C non-commercial license as the base driver license;¶

(D) Passes the vision screening; and¶

(E) Complies with OAR 735-063-0250-~~(7)(8)~~(a) -(d).¶

(d) The applicant meets the requirements of OAR 735-063-0280 to be issued an Oregon CDL based on the applicant's military training and experience operating CMVs.¶

(2) For a DMV examiner or CDL Third Party Examiner to administer a CDL skills test to an applicant, the applicant must:¶

(a) Have an unexpired Oregon driver license and an unexpired Oregon CLP. DMV must have issued the unexpired CLP not less than 14 days prior to the test. The applicant's driving privileges must not be suspended, revoked, cancelled or otherwise withdrawn;¶

(b) Be ready to take the test in a class of vehicle or combination of vehicles that corresponds to or is lesser than the CLP, class, endorsements, and restrictions, possessed by the applicant and that corresponds to the CDL for which the person is applying.¶

(c) Have proof of insurance coverage on the vehicle as required by Oregon law;¶

(d) Complete all portions of the CDL skills test on the same calendar day unless the applicant fails or is unable to complete all three parts of the CDL skills test during a previous attempt.¶

(e) Communicate with the examiner in English. All examiner instructions are given in English and the applicant must respond in English.¶

(3) DMV adopts the following FMSCA regulations in effect as of ~~September 26~~January 1, 2016~~20~~, as the standards that must be followed by an examiner in the administration of a CDL skills test:¶

(a) 49 CFR 383.71, Driver Applicant and Certification Procedures;¶

(b) 49 CFR 383.110 through 383.123, Required Knowledge and Skills; and¶

(c) 49 CFR 383.131 through 383.135, Tests.¶

(4) The CDL skills test must be administered in accordance with the federal regulations adopted by section (4)~~3~~ of this rule and the methods and procedures set forth in the Oregon CDL Examiner's Manual. The CDL skills test

must include consists of three parts:¶

(a) A pre-trip vehicle inspection test. This part of the CDL skills test must be the first test administered by the examiner. It is designed to evaluate the applicant's ability to identify and operate the equipment on the vehicle in which the applicant is being tested and to detect and identify unsafe vehicle equipment items as described in the Oregon Commercial Driver Manual.¶

(b) A basic control skills test. This part of the CDL skills test must be administered after the applicant has successfully completed the pre-trip vehicle inspection test and prior to the on-road drive test. It is designed to evaluate the applicant's ability to control the vehicle and judge the position of the vehicle in relation to other objects through basic starting, stopping, backing and parking maneuvers.¶

(c) An on-road drive test. This part of the CDL skills test, which must be administered after successful completion of the basic control skills test, is designed to evaluate the applicant's competency to safely operate a vehicle or combination of vehicles under actual driving conditions. The applicant must demonstrate safe and proper driving methods and procedures and knowledge of the traffic laws. The following apply to an on-road drive test:¶

(A) The vehicle or combination of vehicles used for the CDL skills test must be of the class for which the applicant seeks a license or endorsement and must have the proper equipment in safe working order so that the vehicle(s) can be operated safely and legally. DMV will not administer the test if the examiner concludes the vehicle cannot be operated safely and legally; and¶

(B) The vehicle or combination of vehicles must not be loaded.¶

(5) If the applicant fails ~~the first~~ any part of the CDL skills test, DMV or a CDL Third Party Tester may administer additional tests as needed, with the following frequency:¶

~~(a) A second test may be administered no sooner than sev~~ the failed parts of the test on a subsequent days after the first test;¶

~~(b) A third test may be administered no sooner than 14 days after the second test;¶~~

~~(c) A fourth test may be administered no sooner than 28 days after the third test; and¶~~

~~(d) A fifth test may be administered no sooner than 28 days after the fourth test.¶~~

(6) If an applicant passed the pre-trip vehicle inspection test but failed any other on which DMV or the CDL Third Party Tester does business. CDL Third Party Examiners must conform to the scheduling requirements in OAR 735-060-0105(1)(n).¶

(6) If an applicant fails any part of the CDL skills test, DMV or an approved CDL-Third Party Tester may consider the pre-trip vehicle inspection test score valid and administer a accept the score for the part of the CDL skills test that the applicant passed. Scores for parts of the CDL skills test that the applicant passed may not be accepted for subsequent CDL skills test starting with the basic skills control after the applicant's CLP expires.¶

(7) All CDL skills test results must be recorded in CSTIMS.¶

(8) A passing score for a completed CDL skills test ~~taken on or after September 26, 2016,~~ is valid for six months. A ~~passing score for~~ Once an applicant uses a CDL skills test taken pri score to September 26, 2016, is valid for two years have DMV issue commercial driving privileges, the test score is void and DMV may not use the test score for a subsequent issuance.¶

(9) If a CDL skills test administered by DMV is not completed because of vehicle equipment failure due to the vehicle not having the necessary safety equipment or not being in proper working order, the required test fee will remain on the DMV customer record to serve as payment for a postponed test. If an applicant must postpone a CDL skills test three times due to equipment failure, it is a test failure and the test fee is forfeited. DMV will require an additional test fee for subsequent tests.¶

(10) An applicant for a CDL with a hazardous materials endorsement must meet the requirements described in OAR 735-063-0290.¶

(11) If an applicant is applying for a Real ID CDL, the applicant is not required to comply with the provisions in section (1)(c)(E) of this rule. ¶

(12) An applicant for a Real ID CDL must first be issued a non-Real ID CLP and pass a CDL skills test unless the applicant surrenders a valid CDL issued by another state or the District of Columbia and the applicant: ¶

(a) Meets social security number verification requirements set forth in OAR 735-062-0006.¶

(b) Except as provided in section (13) of this rule and OAR 735-063-0268, provides proof of U.S. citizenship as described in OAR 735-062-0022(3) or permanent legal residency in the U.S. as described in OAR 735-062-0022(4); ¶

(c) Certifies driving type; ¶

(d) Provides proof of medical qualification as described in OAR 735-063-0220; and ¶

(e) Satisfies all requirements set forth in ORS 807.285. ¶

(13) A citizen of a nation with a Compact of Free Association (COFA) with the United States must provide the proof required in OAR 735-062-0022(5). For purposes of this rule, a citizen of a COFA nation is considered to have met lawful permanent resident requirements, under authority of FMCSA guidance, as required under ORS 807.040 for issuance of a CDL. The expiration date of a Real ID issued to a COFA citizen is described in OAR 735-062-0008(14).

Statutory/Other Authority: ~~49 CFR 383.71, 383.110 - 383.123, 383.131-383.135, ORS 184.616, 184.619, 802.01~~ORS 184.619, 802.010, 807.455, 807.480

Statutes/Other Implemented: ORS 807.018, 807.031, 807.035, 807.045, 807.173, 807.285, ~~807.455, 807.480~~, 49 CFR ~~383.71, 383.110 - 383.123, 383.131-383.135~~

AMEND: 735-063-0265

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As amended, 735-063-0265 specifies the provisions for issuance of limited term CLP or CDLs apply to non-Real ID issuances only.

CHANGES TO RULE:

735-063-0265

Issuance of Limited Term Non-Real ID CLP or CDL

(1) An applicant who is legally present in the United States on a temporary basis may qualify for a limited term non-Real ID CLP or limited term non-Real ID CDL by providing one of the following documents:¶

(a) Arrival/Departure Record (I-94 or CBI I94-A) issued by the United States Department of Homeland Security or Custom and Border Protection presented with or within a valid unexpired foreign passport.¶

(b) Arrival/Departure Record (I-94 or CBP I-94) stamped admitted as a Refugee, Asylee, Asylum, Parole, Parolee, or Paroled for an indefinite period presented with acceptable proof of identity as defined in OAR 735-062-0020.¶

(c) Employment Authorization card (I-766), unexpired.¶

(2) In accordance with 49 CFR sections 383.21 and 383.23 an applicant from Mexico or Canada does not qualify for a limited term CLP or limited term CDL. DMV will not accept an I-94, CBP I-94 or I-766 that displays under a heading of country of citizenship, country of birth, nationality, or similar heading either Mexico or Canada.¶

(3) DMV will not accept any document issued by the United States Immigration and Customs Enforcement Agency containing the statement: ¶

(a) Under Docket Control; ¶

(b) Under the Order of Supervision; or ¶

(c) Notice of Immigration Bond Cancelled. ¶

(4) DMV will not accept as the proof required by section (1) of this rule a document that is not verified through the Systematic Alien Verification for Entitlements (SAVE) system. ¶

(5) DMV will not accept any document as proof of legal presence in the United States that is: ¶

(a) Stamped cancelled; ¶

(b) Hole-punched; ¶

(c) Marked with clipped corners; ¶

(d) Altered; or ¶

(e) Amended, unless the amendments were completed by the issuing authority. ¶

(6) After determining that an applicant has met all requirements for a CLP or non-Real ID CLP or non-Real ID CDL and has provided proof of legal presence in the United States on a temporary basis, as described in this rule, DMV will issue a limited term driver license or limited term driver permit and mail it to the address provided by the applicant at the time of the application. The expiration date of a limited term CLP or limited term CDL is as described in ORS 807.130(3).

Statutory/Other Authority: ~~ORS 184.616, 184.619, 802.010, Ch. 306, section 6, OL 2017~~ 807.730, 49 CFR 383.21, 383.23, 383.71

Statutes/Other Implemented: ~~Ch. 306, section 6, OL 2017~~, ORS 807.730

ADOPT: 735-063-0268

NOTICE FILED DATE: 03/27/2020

RULE SUMMARY: As adopted, 735-063-0268 specifies the documents and types of documents the department will accept as proof of identity, date of birth and lawful status before a Real ID compliant commercial driver license is issued.

CHANGES TO RULE:

735-063-0268

Issuance of Limited Term Real ID CDL

(1) An applicant who is lawfully present in the United States on a temporary basis may qualify for a limited term Real ID CDL by providing one of the following documents:¶

(a) Arrival/Departure Record (I-94 or CBI I94-A) issued by the United States Department of Homeland Security or Custom and Border Protection presented with or within a valid unexpired foreign passport.¶

(b) Arrival/Departure Record (I-94 or CBP I-94) stamped admitted as a Refugee, Asylee, Asylum, Parolee, Parolee, or Paroled for an indefinite period presented with acceptable proof of identity as defined in OAR 735-062-0020.¶

(c) Employment Authorization card (I-766), unexpired.¶

(2) In accordance with 49 CFR sections 383.21 and 383.23 an applicant from Mexico or Canada does not qualify for a limited term Real ID CDL. DMV will not accept an I-94, CBP I-94 or I-766 that displays under a heading of country of citizenship, country of birth, nationality, or similar heading either Mexico or Canada.¶

(3) DMV will not accept any document issued by the United States Immigration and Customs Enforcement Agency containing the statement: ¶

(a) Under Docket Control; ¶

(b) Under the Order of Supervision; or ¶

(c) Notice of Immigration Bond Cancelled. ¶

(4) DMV will not accept as the proof required by section (1) of this rule a document that is not verified through the Systematic Alien Verification for Entitlements (SAVE) system. ¶

(5) DMV will not accept any document as proof of lawful status in the United States that is: ¶

(a) Stamped cancelled; ¶

(b) Hole-punched; ¶

(c) Marked with clipped corners; ¶

(d) Altered; or ¶

(e) Amended, unless the amendments were completed by the issuing authority. ¶

(6) After determining that an applicant has met all requirements for a Real ID CDL and has provided proof of lawful status in the United States on a temporary basis, as described in this rule, DMV will issue a limited term Real ID CDL and mail it to the address provided by the applicant at the time of the application. The expiration date of a limited term Real ID CDL is as described in OAR 735-062-0008(13).

Statutory/Other Authority: ORS 184.619, 802.010, 807.730 & 49 CFR ¶ 383.21, 383.23, 383.71

Statutes/Other Implemented: ORS 807.110 & 807.730