

Secretary of State
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PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rules(s) adopted on September 10, 2008 by the
Date prior to or same as filing date.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division
Agency and Division

735

Administrative Rules Chapter Number

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to become effective

upon filing
Date upon filing or later

Rulemaking Notice was published in the

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*Oregon Bulletin.***

RULE CAPTION

Removes References to Honorary Consular Corps Registration Plates to Conform DMV Rules with Law Change
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

List each rule number separately, 000-000-0000.

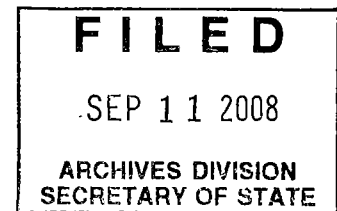
ADOPT: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND: 735-046-0000, 735-046-0010 and 735-046-0050

REPEAL:

RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.



ORS 184.616, 184.619, 802.010 and Oregon Laws 1987, Chapter 25
Stats. Auth.

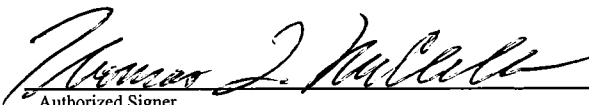
None

Other Authority

ORS chapter 805 and Oregon Laws 1987, Chapter 25
Stats. Implemented

RULE SUMMARY

Oregon Laws 1987, Chapter 25 repealed the statutory authority for DMV to issue Honorary Consular Corps vehicle registration plates. These amendments to OAR 735-046-0010 and 735-046-0050 delete references to the issuance of Honorary Consular Corps vehicle registration plates from DMV's special registration plate rules. The amendments to OAR 735-046-0000 reorganize and clarify the definitions set out in the rule.


Authorized Signer

Thomas L. McClellan
Printed Name

9/10/08
Date

* With this original, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

** The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.

DMV 22-2008

735-046-0000

Definitions

The following definitions apply to OAR 735-046-0000 through OAR 735-046-0050:

- (1) "Current Issue" means any registration plate type, plate background or plate series approved by DMV for issuance.
- (2) "Current use" means any registration plate type, plate background or plate series that is no longer issued, but is approved for registration renewal or for special interest registration, or is a permanent registration plate. Examples of current use registration plates include:
 - (a) Passenger vehicle plates issued in 1956 or later; and
 - (b) Motorcycle or moped plates issued in 1968 or later.
- (3) "Custom plates" mean customized registration plates authorized under ORS 805.240.
- (4) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.
- (5) "Plate choice" means the numbers or letters, or combination of numbers and letters (characters), requested by an applicant for custom plates. For purposes of custom plates, the letter "O" and the number "zero" are identical. A plate choice does not include a plate's background, design, method of validation, or any other information DMV may require.
- (6) "Plate configuration" means a unique combination of numbers or letters that have been or may be assigned to registration plates.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200 and 805.220

Stats. Implemented: ORS 803.535, 805.103, 805.200, 805.220, 805.240 and 805.242

735-046-0010

Custom Plates: Application and Standards

- (1) A person who wishes to obtain custom plates must submit an application for custom plates and all applicable fees to DMV. Custom plate choices:
 - (a) May not be reserved in advance of application and payment of required fees; and
 - (b) Are approved and assigned by DMV on a first-come, first-served basis. When two or more applications requesting an identical plate choice are received, DMV will consider for approval the first one received with the required fees, without regard to whether the first application received is an original application for a custom plate or an application for renewal of a custom plate that has been expired for more than 30 days. "Application" as used in this subsection may include application by phone, provided DMV is in possession of the required fees.
- (2) Except as provided for in OAR 735-046-0020, an applicant for custom plates must qualify for Oregon title and registration for the vehicle listed on the custom plate application.
- (3) A custom plate choice is assigned to a vehicle at the time the plate is issued by DMV.
- (4) A custom plate choice must:
 - (a) Be compatible with DMV's computer system;
 - (b) Not be identical to any plate configuration reserved for qualified Congressional Medal of Honor recipients, or current Oregon office holders, or the Governor unless the custom plate is being issued under the provisions of OAR 735-046-0050;
 - (c) Not begin with the letters CMH, MOH, SEN, REP, USS, or USR and be followed by numbers;
 - (d) Be alphabetic or numeric characters, or alphanumeric characters. A plate choice may not include punctuation or symbols other than a dash or space;
 - (e) Include at least one alphabetic or numeric character;

- (f) Be limited to no more than six alphabetic characters, numeric characters, spaces or dashes, except that a seventh character may be a space or dash;
- (g) Except as provided in section (5) of this rule, not be identical to any other plate configuration in current use. The use of a space or a dash within a plate choice is not considered when determining whether the plate is identical to another plate configuration.
- (5) In addition to other provisions of this rule, all of the following apply to approval of a plate choice that is identical to a plate configuration that is in current use:
 - (a) DMV may approve a plate choice that conflicts with a plate configuration currently in use for motor vehicles registered under ORS 803.420(1) (i.e., passenger plated vehicles) if:
 - (A) The specific plate configuration requested has previously been issued and is not still in inventory or reserved for future issuance;
 - (B) The previously issued plates bearing the plate choice are surrendered to DMV with the custom plate request, or are no longer in circulation. If there is any question about such plates being in circulation, it is the applicant's responsibility to satisfy DMV that the plates have been destroyed, surrendered to DMV or another jurisdiction, or are not available for use on a vehicle; and
 - (C) The plate choice is to be assigned to a vehicle that qualifies for registration under ORS 803.420(1).
 - (b) For motor vehicles other than those registered under ORS 803.420(1), specifically, vehicles that are not passenger plated vehicles, DMV may approve a plate choice that is identical to a plate configuration that is in current use if:
 - (A) The vehicle to which the custom plates are to be issued is of a different type than the vehicle to which the plates bearing the identical plate configuration are in current use or could be issued. For example, a plate choice that is identical to a disabled veteran plate configuration (for example D00001) will not be assigned to a custom plate issued to either a passenger vehicle or motor home. A plate choice that is identical to a motor home plate configuration (for example H00001) will not be assigned to a custom plate issued to a motor home but can be assigned to a custom plate issued to a passenger vehicle;
 - (B) The plate choice requested is not currently assigned to a registration plate; and
 - (C) The plate choice requested will not be assigned to a future plate series.
- (6) DMV will not approve a custom plate choice, including plate choices that would do so by means of foreign or slang words or phrases, by use of phonetic, numeric or reverse spelling, or by being viewed in mirror image, that:
 - (a) Would have the effect of alarming, threatening, offending or misleading a reasonable person. Such choices may include, but are not limited to, combinations of letters, numbers or both that:
 - (A) Refer to intimate bodily parts or to sexual or excretory acts or functions;
 - (B) Refer in an alarming or offensive manner to a person or class of persons on the basis of race, color, gender, ethnic heritage, national origin, or other characteristic;
 - (C) Suggest that the vehicle to which the custom plate is issued is an official vehicle of a public agency or official, when it is in fact not such a vehicle; or
 - (D) Refer to illegal acts.
 - (b) Refers to alcoholic beverages, or controlled substances or paraphernalia used in the consumption thereof by combinations of letters, numbers or both.
- (7) DMV may use any reliable lexicological source to determine the meaning of any word, symbol or phrase.

- (8) When reviewing a plate choice for approval, DMV need not consider the applicant's subjective intent or declared meaning.
- (9) DMV will approve the transfer of registration plates that are not from a current issue of plates as custom plates under the provisions of ORS 805.242. All of the following apply to such a transfer:
- (a) For vehicles that require two registration plates, the applicant must have two registration plates available for transfer to the vehicle;
 - (b) The registration plates being transferred must not be so old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identification;
 - (c) The registration plates being transferred must be from a series in current use;
 - (d) The registration plates may only be transferred to a vehicle type that is otherwise eligible for custom plates; and
 - (e) The registration plates may only be transferred to a vehicle of the same registration type to which they were originally issued (e.g., passenger vehicle to passenger vehicle).
- Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200, 805.205 and 805.220
Stats. Implemented: ORS 803.420, 803.535, 805.103, 805.200, 805.220, 805.240, 805.242, and 805.250

735-046-0050

Congressional Medal of Honor and Elected Official Plates

- (1) Requirements and Qualifications. In addition to all other requirements for registration, an applicant for Congressional Medal of Honor plates or elected official plates must submit to DMV an application for registration and all applicable fees, including any fee required for the custom plate requested. At the time of application, the applicant must:
- (a) Be the registered owner of the vehicle listed on the application;
 - (b) For Congressional Medal of Honor recipients, meet the qualifications for issuance of Congressional Medal of Honor plates under ORS 805.103 and this rule;
 - (c) For elected officials, meet the qualifications of ORS 805.220, and hold the office specified on the application. DMV may contact the Secretary of State to verify compliance with this subsection.
- (2) Elected official plates are assigned to a specific vehicle and—if requested by the applicant—are issued in addition to the regular registration plates issued to the vehicle. The fee for an elected official plate issued in addition to a regular series plate is the plate manufacturing fee established under ORS 803.570. Elected official plates may be transferred to another vehicle if:
- (a) The vehicle to which the plates are to be transferred is registered in the name of the elected official who qualifies for the particular plate configuration; and
 - (b) The applicant submits to DMV a completed application that identifies the vehicle to which the elected official plates are to be assigned.
- (3) Plate Transfer. In addition to all other requirements for transferring registration plates, an applicant for a plate transfer must submit to DMV a completed, signed application to transfer registration plates and all applicable fees. At the time of transfer, the applicant must be the registered owner of the vehicle listed on the application. There is no plate transfer fee for elected official plates.
- (4) Plate Configurations. The following plate configurations are reserved as specified:
- (a) For Congressional Medal of Honor recipients: Except as provided in paragraph (B) of this subsection, the applicant may choose the letter combination "MOH" or "CMH," which will be followed by a single number from 1 to 9, to be designated by DMV;

(A) A total of 18 pairs of Congressional Medal of Honor plates are reserved for issuance to qualified Congressional Medal of Honor recipients.

(B) When a Congressional Medal of Honor plate configuration is issued, it will be removed from the list of available plates and will not be issued again. For example, after plate configuration "CMH 1" is issued, that configuration is no longer available. The next qualified applicant is issued the next available plate number in numeric order.

(b) For elected officials:

(A) Governor: "GOV1";

(B) Secretary of State: "2";

(C) State Treasurer: "3";

(D) President of the Senate: "4";

(E) President pro tempore of the Senate: "4A";

(F) Speaker of the House of Representatives: "5";

(G) Speaker pro tem of the House: "5A";

(H) State Senators: "SEN," followed by the applicable Senate district number;

(I) State Representatives: "REP," followed by the applicable House district number;

(J) U.S. Senator: "USS," followed by a number; and

(K) U.S. Representative: "USR," followed by the House District number.

(5) In addition to the elected official plate for the Governor under subsection (3)(b) of this rule, DMV will issue regular series plates to the Governor upon request from the Governor's office. The fee for a regular series plate issued under this section is the plate manufacturing fee established under ORS 803.570.

(6) The plates must be removed from the vehicle to which they are assigned when the person no longer qualifies for elected official plates because the term of office or appointment expires, or the person otherwise ceases to act in the official capacity required to qualify for the plates. After removing the plates from the vehicle, the person may surrender the plates to DMV or retain the plates as a souvenir.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.103, 805.200, 805.205 and 805.220

Stats. Implemented: ORS 803.420, 803.530, 803.535, 805.103, 805.200, 805.220, 805.240, 805.242 and 805.250