

12-22

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 December 21, 2011 by the  
Date prior to or same as filing date.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division

735

Agency and Division

Administrative Rules Chapter Number

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to become effective

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**RULE CAPTION**

Social Security Number Requirements, Proof of Legal Presence and Applicant Temporary Permits

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.

**AMEND:** 735-062-0005, 735-062-0010, 735-062-0015, 735-062-0032, 735-062-0033, 735-062-0120, 735-062-0125, 735-070-0110 sk 1/5/12  
0010

ORS 184.616, 184.619, 802.010, 807.021, 807.040, 807.050, 807.110, 807.310, 807.400 and 807.405

Stats. Auth.

None

Other Authority

ORS 802.200, 807.021, 807.022, 807.050, 807.110, 807.310, 807.400, 807.405

Stats. Implemented

**RULE SUMMARY**

DMV amended OAR 735-062-0005 to require an applicant to provide his or her SSN on the application form and if that number is verified, then no further proof of the SSN is necessary. DMV also amended this rule to allow additional documents as proof of an SSN for issuance of a temporary applicant permit when a SSN cannot be verified because the SSN was issued using a nickname or there is a mistake in the SSA record. In those cases, the temporary applicant permit is issued to give the person the opportunity to contact the SSA to correct any discrepancy so that DMV will be able to verify the SSN.

For proof of legal presence under ORS 807.021, DMV must verify certain documents through the Department of Homeland Security (DHS) Systematic Alien Verification for Entitlements (SAVE) Program. DHS has notified DMV that documents marked in a certain way cannot be verified through the SAVE program. DMV amended OAR 735-062-0015 to specify that documents marked in this way are not acceptable as proof of legal presence. DMV also repealed a provision in this rule allowing DMV to determine through means other than SAVE that a specific type of document is valid proof of the person's legal presence in the United States, as after two and a half years experience with documents and SAVE, there is no purpose for such a provision.

Previously, DMV could issue an applicant temporary driver permit under ORS 807.310 or an applicant temporary identification card under ORS 807.405 for 90 days and provide one 60-day extension. DMV has learned that it does, at times, legitimately take longer than 150 days for a person to get the needed documentation. For instance, to receive a birth certificate from another state's vital record department, to have a delayed birth certificate issued to a person born at home 75 years ago or for a person to receive the necessary replacement permanent resident card often takes longer than 150 days. HB 2139 amends ORS 807.310 and 807.405 to authorize DMV to issue an applicant temporary driver permit or identification card for 90 days, to extend that term twice for an additional 180 days and gives DMV authority to further extend the term of a permit as provided by rule. DMV amended OAR 735-062-0032 and 735-062-0033 to implement this authority, and to describe the necessary requirements for an additional extension.

The amendments proposed to OAR 735-062-0010, 735-062-0120, 735-062-0125 and 735-070-0110 are to be consistent with the changes in OAR 735-062-0005. Other changes are made for clarity

**FILED**

DEC 22 2011

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SECRETARY OF STATE

Thomas L. McClellan  
Authorized Signer

Thomas L. McClellan  
Printed Name

12/21/11  
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 10-2011

**735-062-0005****SSN—Requirements for Collection and Verification of SSN or Proof of Ineligibility for a SSN**

(1) When a person who is eligible for a SSN applies for any original, renewal or replacement driver license, driver permit or identification card, the person must provide his or her SSN on the application form.

(2) A person who applies for any original, renewal or replacement non-commercial driver license or driver permit or identification card and claims to be ineligible for a SSN must provide proof that he or she is not eligible for a SSN. A person may prove his or her ineligibility for a SSN by presenting documents issued by the SSA, the Department of Homeland Security or other federal agencies or federal courts, which demonstrate that the person is not eligible to be assigned a SSN by the SSA. The person must also certify that he or she is ineligible for a SSN.

(3) When an applicant provides a SSN as required by section (1) of this rule, DMV will submit the SSN to the SSA for verification, unless the applicant is a citizen or permanent legal resident of the United States whose SSN was previously verified under this rule. An applicant's SSN is verified when SSA notifies DMV that the applicant's SSN, name and date of birth are confirmed by SSA's records.

(4) Before issuing a temporary applicant permit as provided in OAR 735-062-0032 or 735-062-0033, DMV will require proof of the person's SSN if the SSN provided on the application is not verified as described in section (3) of this rule. Proof that the SSN is the one assigned to the person by the SSA may include, but is not limited to, one or more of the following documents:

- (a) Social Security Card or other SSA documentation;
- (b) Income tax form filed with the Internal Revenue Service or a state tax agency;
- (c) Employment document;
- (d) Military document (DD214); or
- (e) Any document containing full social security number acceptable as proof of legal presence or identity and date of birth as listed in OAR 735-062-0015 or 735-062-0020.

(5) DMV will not issue, renew or replace any driver license, driver permit or identification card, except as provided in OAR 735-062-0032 and 735-062-0033, unless:

(a) The applicant has proved his or her legal presence in the United States as provided in OAR 735-062-0015, and DMV has verified the applicant's SSN as provided in section (3) of this rule; or

(b) If the applicant claims to be ineligible for a SSN, the applicant has proved his or her ineligibility for a SSN as provided in section (2) of this rule and his or her legal presence in the United States as provided in OAR 735-062-0015. DMV will not issue, renew or replace a commercial driver license or commercial driver permit to an applicant who claims to be ineligible for a SSN.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021 & 807.050

Stats. Implemented: ORS 802.200, 807.021, 807.022 & 807.050

**735-062-0010****Identification Cards**

(1) Pursuant to ORS 807.400 and as provided in this rule, DMV will issue an identification card to a person who does not have a valid driver license.

(2) A person applying for an identification card must:

- (a) Satisfy all identification card requirements set forth in ORS 807.400 and 807.410, except as described under section (7) of this rule;

- (b) Provide a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005;
  - (c) Provide proof of legal presence as provided in OAR 735-062-0015;
  - (d) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016.
  - (e) Provide proof of the person's identity and date of birth as provided in OAR 735-062-0020; and
  - (f) Provide proof of the person's residence address as provided in OAR 735-016-0070 and 735-062-0030.
  - (3) 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.
  - (4) An applicant in possession of a driver license issued by another jurisdiction must surrender that license to DMV before an identification card will be issued. The person must provide a statement to DMV if the person's license is lost, destroyed or the person no longer has the license in his or her possession, and must agree that the license will be surrendered to DMV if found.
  - (5) Applicants for an identification card must personally apply at a DMV office to receive an identification card.
  - (6) All identification cards must include a photograph of the cardholder.
  - (7) DMV will waive the fee requirements set forth in ORS 807.410 for those persons applying for an identification card when:
    - (a) The person voluntarily surrenders an Oregon 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.
  - (8) An identification card of a United States citizen or permanent legal resident with a February 29 birth date expires:
    - (a) On February 29 if the expiration year is a leap year; or
    - (b) On March 1 if the expiration year is not a leap year.
  - (9) After determining that an applicant has met all requirements under this rule, DMV will issue the identification card and mail it to the address provided by the applicant at the time of application.
  - (10) After determining that an applicant has met all requirements under this rule and has provided proof of legal presence in the United States on a temporary basis, as described in OAR 735-062-0015(4), DMV will issue a limited term identification card and mail it to the address provided by the applicant at the time of the application.
  - (11) DMV may renew an identification card as provided in OAR 735-062-0090 or may do so using a previous photograph only as provided 735-062-0125.
  - (12) DMV may replace an identification card as provided in OAR 735-062-0110 or may do so using a previous photograph only as provided 735-062-0125.
- Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021, 807.040, 807.050 & 807.400  
Stats. Implemented: ORS 807.021, 807.022 & 807.400

### **735-062-0015**

#### **Proof of Legal Presence**

- (1) Except as provided in OAR 735-062-0032 and 735-062-0033, a person who applies for any original, renewal or replacement driver permit, driver license, or identification card must provide

valid documentary proof that the person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States in accordance with federal immigration laws, unless the person's DMV record shows DMV has previously verified the person's SSN and shows that the person is a citizen or permanent legal resident of the United States. The documents provided must be either original or certified copies.

(2) Documents acceptable as proof of U.S. citizenship include, but are not limited to:

(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) Request for Verification of Birth (DD372).

(e) United States passport, not expired more than five years.

(f) United States passport card, not expired more than five years.

(g) U.S. Territory passport, not expired more than five years.

(h) Tribal ID card from a federally recognized tribe located in Oregon or a federally recognized tribe with an Oregon affiliation, if DMV determines:

(A) The procedures used in issuing the card are sufficient to prove that a member is a citizen or permanent resident of the United States; and

(B) The card contains security features that are sufficient to prevent alteration or counterfeiting of the card.

(i) Certificate of Citizenship (N560 and N561).

(j) Certificate of Naturalization (N550, N570 and N578).

(k) U.S. Citizen Identification Card (I-197 and I-179).

(3) Documents acceptable as proof of permanent legal residence in the U.S include, but are not limited to: Resident Alien card; Permanent Resident card (I-551); or a Permit to Re-Enter (I-327).

(4) Documents acceptable as proof that a person is not a citizen or permanent legal resident of the United States but is legally present in the United States on a temporary basis include, but are not limited to:

(a) Arrival/Departure Record (I-94 or CBP I-94A) or a valid I-797A Notice of Action issued by the Department of Homeland Security or Custom and Border Protection with a valid unexpired foreign passport.

(b) Arrival/Departure Record (I-94, CBP I-94A) with a passport issued by the Federated States of Micronesia (FSM), Republic of the Marshall Islands (RMI) or Republic of Palau, not expired more than five years.

(c) Temporary Resident ID card (I-688);

(d) Employment Authorization card (I-766); or

(e) Refugee Travel Document Form I-571.

(5) 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.

(6) DMV will not accept as the proof required by sections (3) and (4) of this rule a document that is not verified through the Systematic Alien Verification for Entitlements (SAVE) system.

(7) Notwithstanding section (6) of this rule, DMV may accept a document described in sections (3) and (4) of this rule that is not verified through the SAVE system if the document is presented for the replacement of a limited term driver license, limited term driver permit, or limited term identification card under OAR 735-062-0110.

(8) An applicant who must obtain a document in order to provide proof of legal presence may apply for an applicant temporary driver permit as described in OAR 735-062-0032 that will provide driving privileges for a limited time or an applicant temporary identification card as described in 735-062-0033.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.021 & 807.022

Stats. Implemented: 807.021 & 807.022

### **735-062-0032**

#### **Applicant Temporary Driver Permit Issued to Applicants Unable to Provide SSN and Legal Presence Documentation**

(1) When an applicant for a driver license or driver permit does not provide a verifiable SSN but is able to present the documentation required by OAR 735-062-0005(4) to prove a SSN is assigned to the applicant, or certifies but fails to present documentation of ineligibility for a SSN, or is unable to present the documentation required by 735-062-0015 to prove legal presence, DMV may issue an applicant temporary driver permit to the applicant if:

(a) The applicant is otherwise eligible and complied with all other requirements for a driver license or driver permit, including the requirements for proof of identity and date-of-birth under OAR 735-062-0020;

(b) The applicant certifies that to the best of his or her knowledge, the applicant is legally present in the United States; and

(c) DMV has not issued an applicant temporary driver permit to the applicant under this rule before, and the applicant so certifies.

(2) A holder of an applicant temporary driver permit issued under this rule must have the permit on his or her person while operating a motor vehicle. The applicant temporary driver permit will indicate the class of license granted and any endorsements granted and will list any restrictions placed on the driving privileges.

(3) An applicant temporary driver permit issued under this rule is valid for 90 days from the date of issuance, or until the applicant is able to provide to DMV the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of a driver license or driver permit, whichever is sooner.

(4) DMV may extend the term of the applicant temporary driver permit up to two times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.

(5) Notwithstanding sections (3) and (4) of this rule, DMV may extend the term of the applicant temporary driver permit if the applicant presents proof the applicant has taken reasonable steps to obtain a verifiable SSN or the documentation required under OAR 735-062-0005 showing ineligibility, or taken reasonable steps to obtain the documentation required under OAR 735-062-0015, but has been unable to do so due to circumstances beyond the applicant's control. Any extension of an applicant temporary driver permit issued under this section will be for a term of 90 days.

(6) An applicant temporary driver permit issued under this rule automatically becomes invalid if the applicant's driver license or permit is issued, the permit expires and is not extended, or if the

applicant's driving privileges or right to apply for driving privileges are suspended, revoked or cancelled. If and when the applicant's driver license or permit is issued or driving privileges are suspended, revoked or cancelled, the applicant must surrender to DMV his or her applicant temporary driver permit.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.310

Stats. Implemented: 807.310

### **735-062-0033**

#### **Applicant Temporary Identification Cards Issued to Applicants Unable to Provide SSN and Legal Presence Documentation**

(1) When an applicant for an identification card does not provide a verifiable SSN but is able to present the documentation required by OAR 735-062-0005(4) to prove a SSN is assigned to the applicant, or certifies but fails to present documentation of ineligibility for a SSN, or is unable to present the documentation required by 735-062-0015 to prove legal presence, DMV may issue an applicant temporary identification card to the applicant, if:

(a) The applicant is otherwise eligible and has complied with all other requirements for an identification card, including the requirements for proof of identity and date-of-birth under OAR 735-062-0020;

(b) The applicant certifies that, to the best of his or her knowledge, the applicant is legally present in the United States; and

(c) DMV has not issued an applicant temporary identification card to the applicant under this rule before, and the applicant so certifies.

(2) An applicant temporary identification card issued under this rule is valid for 90 days from the date of issuance, or until the applicant is able to provide to DMV the documentation required by OAR 735-062-0005 and 735-062-0015 for issuance of an identification card, whichever is sooner.

(3) DMV may extend the term of the applicant temporary identification card up to two times for sufficient cause. Each extension of the term of the permit may not exceed 90 days.

(4) Notwithstanding sections (2) and (3) of this rule, DMV may extend the term of the applicant temporary identification card if the applicant presents proof the applicant has taken reasonable steps to obtain a verifiable SSN or the documentation required under OAR 735-062-0005 showing ineligibility, or taken reasonable steps to obtain the documentation required under OAR 735-062-0015, but has been unable to do so due to circumstances beyond the applicant's control. Any extension of an applicant temporary identification card issued under this section will be for a term of 90 days.

(5) An applicant temporary identification card issued under this rule automatically becomes invalid if the applicant's identification card is issued, the applicant temporary identification card expires and is not extended, or DMV suspends or cancels the applicant temporary identification card or right to apply for an identification card. The applicant must surrender to DMV the applicant temporary identification card if and when the applicant's identification card is issued or if it is suspended, revoked or cancelled.

Stat. Auth.: ORS 184.616, 184.619, 802.010, & 807.405

Stats. Implemented: ORS 807.405

### **735-062-0120**

#### **Standards for Issuance of Driver's Licenses Without a Photograph**

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

- (a) Who is a member of a religious denomination that prohibits photographing of its members because it is contrary to its religious tenets;
- (b) Whose religious beliefs require the person to wear a head covering, clothing or similar material that partially or completely covers the person's face, preventing the person from being photographed as described in OAR 735-062-0016(3); or
- (c) Who has severe facial disfigurement.

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

- (a) Provide a verifiable SSN, or proof of ineligibility for a SSN, as provided in OAR 735-062-0005;
- (b) Provide proof of legal presence as provided in OAR 735-062-0015;
- (c) Provide proof of identity and date of birth as provided in OAR 735-062-0020; and
- (d) Provide proof of residence address as provided in OAR 735-062-0030(1).

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.110

Stats. Implemented: ORS 807.110

### **735-062-0125**

#### **Standards for Issuance of a Renewal or Replacement Driver License or Identification Card Containing a Previous Photograph**

(1) DMV may renew or replace a person's driver license or identification card by issuing a renewal or replacement license or identification card containing a photograph of the person already on file with DMV, if the applicant:

- (a) Provides proof that he or she is a resident of or domiciled in Oregon as described in OAR 735-016-0040;
  - (b) Provides proof or previously has proven that he or she is a citizen or permanent resident of the United States as required by OAR 735-062-0015. An applicant who has not previously provided proof to DMV of citizenship or permanent legal residency in the U.S. may provide a copy, satisfactory to DMV, of one or more documents required by OAR 735-062-0015(2) or (3).
  - (c) Provides his or her Social Security number on the application form as required under OAR 735-062-0005. DMV will verify the SSN with the Social Security Administration unless the SSN provided has previously been verified;
  - (d) Submits a written statement to DMV establishing good cause why he or she is not able to appear and apply for the renewal or replacement license or identification card at a DMV field office and certifying that he or she will not be returning to Oregon within 150 days from the date of application;
  - (e) Provides proof that he or she is, in fact, the person to whom the license or identification card to be renewed or replaced was issued; and
  - (f) Meets all other qualifications for the license or identification card sought.
- (2) Circumstances constituting "good cause" for purposes of subsection (1)(d) of this rule 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 or identification card is lost, stolen or mutilated;
- (c) The applicant is traveling outside of Oregon and the applicant's Oregon driver license or identification card has expired or will expire before the person 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 license 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 treating physician.

(3) Notwithstanding section (1) of this rule, DMV may issue a renewal or replacement license or identification card containing a photograph of the applicant already on file with DMV, if the applicant is an Oregon licensed driver or identification card holder serving on active duty in the United States Armed Forces outside of Oregon who provides a copy of his or her:

- (a) Most current Leave Earning Statement showing Oregon as his or her home on record;
- (b) Federally-issued active duty Military identification card; and
- (c) Social Security number to be verified with the Social Security Administration, if not previously provided.

(4) A spouse, partner in a domestic relationship or dependent of a military person on active duty in the United States Armed Forces outside of Oregon who qualifies under section (3) of this rule, who holds an Oregon driver license or identification card may qualify for a driver license or identification card using the previous photograph, if the spouse or dependent provides a copy of the following:

- (a) The military member's most current Leave Earning Statement showing Oregon as his or her home on record;
- (b) The military member's active duty Military identification card;
- (c) The spouse, partner or dependent's Military identification card; and
- (d) The spouse, partner or dependent's Social Security number. DMV must verify the SSN with the Social Security Administration, if not previously verified.

(5) DMV will not replace or renew a driver license 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.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.110

Stats. Implemented: ORS 807.110 & 807.400

### **735-070-0010**

#### **Reinstatement Following Cancellation or Suspension Under ORS 807.220, 807.230, 807.350, 809.310 and 809.320**

(1) DMV will reissue a driver permit, driver license or identification card to a person whose driving privileges or identification card is canceled under ORS 809.310(1) because the person is not entitled only if the person corrects the condition that caused the cancellation and otherwise meets all requirements for driving privileges or an identification card.

(2) DMV will reissue a driver permit, driver license or identification card canceled under ORS 809.310(2) because there is an error, i.e. wrong class of license or permit, incorrect endorsement; incorrect date of birth, name, expiration date or issue date once the person surrenders the driver permit, driver license or identification card with the error. If the information on the driver permit, driver license or identification card is wrong because of a DMV error, a no fee replacement will be issued.

(3) DMV will reissue a driver permit, driver license or identification card canceled under ORS 809.310(2) because the address is not the person's residence address as required by law once the person surrenders the driver permit, driver license or identification card with the incorrect information and the person provides DMV with acceptable documentary proof of residence address as described in OAR 735-062-0030(1) and pays all applicable fees.

(4) Notwithstanding sections (1), (2) and (3) of this rule, when a person whose driving privileges or identification card are canceled under ORS 809.310(1) or 809.310(2) is not a resident of Oregon, DMV will rescind the cancellation to allow the person to obtain driving privileges or an identification card in another jurisdiction but will not reissue an Oregon driver license, driver permit, or identification card. The person must:

(a) Request that DMV rescind the cancellation;

(b) Have corrected all applicable conditions that caused the cancellation except for the domicile or residency requirements under ORS 807.062; and

(c) Provide verification from another jurisdiction that:

(A) The person has applied and meets the requirements for driving privileges or an identification card in that jurisdiction;

(B) The person has surrendered his or her Oregon driver license or identification card to the jurisdiction, or has stated that the card was surrendered to DMV or that it was lost, destroyed or mutilated; and

(C) The cancellation must be rescinded in order for the person to qualify for driving privileges or an identification card in the other jurisdiction.

(5) DMV will issue a driver license, driver permit or identification card when a person described in section (4) of this rule returns to Oregon and the person corrects the condition that caused the cancellation and meets all eligibility requirements for driving privileges or an identification card and pays all applicable fees.

(6) DMV will reinstate the person's driving privileges or identification card, including his or her right to apply suspended under ORS 809.310(3)(b)-(h) when:

(a) One year has elapsed since the effective date of the suspension; and

(b) The person pays the reinstatement fee.

(7) When a person's driving privileges or identification card, including the right to apply, is suspended under ORS 809.310(3)(a), DMV will reinstate the driving privileges or identification card one year from the effective date of the suspension if the person:

(a) Provides a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005(2);

(b) Provides proof of legal presence as provided in OAR 735-062-0015;

(c) Submits to the collection of biometric data and establishes identity as provided in ORS 807.024 and OAR 735-062-0016;

(d) Provides proof of identity and date of birth as provided in OAR 735-062-0020;

(e) Submits proof of residence address as provided in OAR 735-062-0030(1); and

(f) Pays the reinstatement fee.

(8) Notwithstanding section (7) of this rule, when a person's driving privileges or identification card are suspended under ORS 809.310(3)(a) and is no longer a resident of Oregon, he or she may request to have his or her driving privileges, identification card or right to apply be reinstated in order to be issued in another jurisdiction. DMV will not issue an Oregon driver license, driver permit or identification card, but will reinstate the driving privileges, identification card or right to apply when:

- (a) One year has elapsed since the effective date of the suspension;
- (b) The person provides verification from another jurisdiction that:
  - (A) The person has applied and meets the requirements for driving privileges or an identification card in that jurisdiction; and
  - (B) The person has surrendered his or her Oregon driver license or identification card to that jurisdiction, or has stated that the card was surrendered to DMV or that it was lost, destroyed or mutilated; and
- (c) The person pays the reinstatement fee.
- (9) A person described in section (8) of this rule, who returns to Oregon, may be eligible for a driver license, driver permit or identification card. DMV will issue a driver license, driver permit or identification card when:
  - (a) Provides a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005(2);
  - (b) Provides proof of legal presence as provided in OAR 735-062-0015;
  - (c) Submits to the collection of biometric data and establishes identity as provided in ORS 807.024 and OAR 735-062-0016;
  - (d) Provides proof of identity and date of birth as provided in OAR 735-062-0020;
  - (e) The person submits proof of residence address as provided in OAR 735-062-0030(1); and
  - (f) The person meets all eligibility requirements for driving privileges or an identification card and pays all applicable fees.
- (10) When DMV cancels a person's driver permit or driver license for withdrawal of consent under ORS 809.320, DMV will reinstate driving privileges when the person:
  - (a) Pays a replacement driver permit or driver license fee or a renewal fee, if applicable; and
  - (b) Submits one of the following if the person is under 18 years of age:
    - (A) An application for a driver permit or driver license that is signed by the person's mother, father or legal guardian;
    - (B) Court papers showing that the person is declared emancipated by the court; or
    - (C) Evidence that the person is married.
- (11) When DMV cancels a person's driving privileges because the person is not qualified or does not meet the requirements under ORS 807.350, DMV will not grant driving privileges until the person meets the requirements and demonstrates qualification for a driver license under 807.040, 807.050, 807.060, 807.062, 807.065, 807.066 and 807.070.
- (12) When the special student driver permit of a person under 16 years of age is canceled under ORS 807.230(7), DMV will only issue driving privileges when the person has reached 16 years of age and if the person is eligible and meets all applicable requirements in 807.040, 807.065 and 807.066 and OAR 735-062-0007 to obtain a driver permit or driver license. When the special student driver permit of a person over 16 years of age is canceled, DMV will not reissue a special student driver permit however the person may apply for a driver license if eligible and if the person meets all applicable requirements in ORS 807.040, 807.065, 807.066 and OAR 735-062-0007.
- (13) When an emergency driver permit is canceled under ORS 807.220(3)(g), DMV will:
  - (a) Reissue an emergency driver permit after one year has elapsed from the effective date of the cancellation if the person is eligible and meets the requirements in OAR 735-064-0230; or
  - (b) Issue a driver permit or a driver license if the person is eligible and meets all applicable requirements in ORS 807.040, 807.065 and 807.066 and OAR 735-062-0007.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

Stats. Implemented: ORS 807.021, 807.022, 807.220, 807.230, 807.400, 809.310 & 809.320