

**Chapter 735 Department of Transportation, Driver and Motor Vehicle Services Division**

**DIVISION 1**

**PROCEDURAL RULES**

- 735-001-0020 Issuance of Final Orders in Contested Cases
- 735-001-0030 References to Motor Vehicle Laws and Administrative Rules in DMV Documents
- 735-001-0040 DMV Representation at Contested Case Hearings
- 735-001-0050 Administrative Review
- 735-001-0100 Refunds

**DIVISION 10**

**PROCESSING AND RECORDS**

- 735-010-0000 What is Used to Calculate the Actual Cost of Providing a Public Record
- 735-010-0005 Purpose of Record Requests Rules
- 735-010-0008 Definitions
- 735-010-0010 Requirements to Obtain a Public Record
- 735-010-0020 Procedures for Record Inquiry or TOD Filing Fee Accounts
- 735-010-0030 Types of Driver Records Available and Their Fees
- 735-010-0040 Types of Vehicle Records Available and Their Fees
- 735-010-0045 Other Department Records and Their Fees
- 735-010-0055 Definition of Law Enforcement Official
- 735-010-0070 Submission of Change of Address and Update of DMV Records

**Name and Address Requirements on DMV Records**

- 735-010-0100 Purpose
- 735-010-0110 Customer Record for Persons
- 735-010-0120 Customer Record for Business Entities
- 735-010-0130 Establishment and Use of True Name by an Individual
- 735-010-0140 Establishment, Use and Change of a Name by a Business
- 735-010-0150 Address Requirements for Individuals
- 735-010-0160 Address Requirements for Businesses
- 735-010-0170 Vehicle Registration Addresses and County of Use

**Requests for Personal Information**

- 735-010-0200 General Qualifications for Obtaining Personal Information
- 735-010-0210 Requests for Personal Information by a Legitimate Business
- 735-010-0215 Determination that a Person is a Disseminator
- 735-010-0220 Requests for Personal Information Resulting from the Unsafe Operation of a Motor Vehicle
- 735-010-0230 Request for Personal Information by a Person with Financial Interest in a Vehicle
- 735-010-0240 Authorization by DMV to Resell or Redisclose Personal Information

**DIVISION 12**

**DMV PUBLICATIONS**

- 735-012-0000 Fees Charged for the DMV Administrative Rules Handbook and the Oregon Vehicle Code

**DIVISION 14**

**MOTOR VEHICLE ACCIDENT PREVENTION COURSES**

- 735-014-0000 Standards for Approval of Motor Vehicle Accident Prevention Courses

**DIVISION 16**

**RESIDENCY AND DOMICILE REQUIREMENTS**

- 735-016-0010 Purpose
- 735-016-0020 Definitions that Apply to Residency and Domicile

- 735-016-0030 Domicile — Establishing Intent to Remain or Return
- 735-016-0040 Application of Domicile and Residency Requirements
- 735-016-0050 Eligibility for Vehicle Registration — Business Use
- 735-016-0060 When Proof of Residency or Domicile Is Required
- 735-016-0070 Proof of Residency or Domicile
- 735-016-0080 Social Security Number for Driver License, Driver Permit, Identification Card or Vehicle Registration

**DIVISION 18**

**ACCEPTANCE AND VERIFICATION OF INFORMATION SUBMITTED BY ELECTRONIC MEANS**

- 735-018-0000 Authority and Purpose
- 735-018-0010 Definitions
- 735-018-0020 General Provisions
- 735-018-0030 Personal Identification Number (PIN); Unique Identifiers
- 735-018-0040 Certifications
- 735-018-0050 Date and Time Information is Considered Submitted; Received
- 735-018-0060 Signature
- 735-018-0070 Payment of Fees; Use of Credit Cards; Debit Cards
- 735-018-0080 Errors; Omissions; Acknowledgement; Receipt of Transaction
- 735-018-0090 Electronic Records
- 735-018-0100 Notification of Change of Address by Electronic Means
- 735-018-0110 Renewal of Vehicle Registration by Electronic Means
- 735-018-0120 Notification of Transfer or Sale of Vehicle by Electronic Means

**VEHICLE TITLE AND REGISTRATION**

**DIVISION 20**

**GENERAL TITLE PROVISIONS**

- 735-020-0000 Perfection of a Security Interest — Definitions
- 735-020-0010 Perfection of Security Interest; Primary Ownership Document
- 735-020-0012 Application for Title by Possessory Lien Foreclosure
- 735-020-0015 Transitional Ownership Document — Limited Ownership Document
- 735-020-0020 Perfection of a Security Interest — Application for Notation of a Security Interest
- 735-020-0030 Perfection of a Security Interest — Withdrawal of Transitional Ownership Document Required
- 735-020-0040 Perfection of a Security Interest — Transitional Ownership Document Fees
- 735-020-0045 Form of Titles and Ownership Records
- 735-020-0050 General Provisions Relating to Late Title Presentation Fees
- 735-020-0060 Delivery of Vehicle Documents, Good Faith Effort and Circumstances Beyond Person's Control
- 735-020-0070 Junk Titles
- 735-020-0080 Notice of Transfer of Interest in a Vehicle

**DIVISION 22**

**TITLE ISSUANCE**

- 735-022-0000 Evidence of Ownership to a Vehicle
- 735-022-0010 Requirements for Use of the Special Affidavit to Obtain Oregon Title and Registration
- 735-022-0030 Manufacturer's Certificate of Origin (MCO) Definitions
- 735-022-0040 Manufacturer's Certificate of Origin (MCO) Form and Content
- 735-022-0050 When Manufacturer's Certificate of Origin (MCO) Is Required

## Chapter 735 Department of Transportation, Driver and Motor Vehicle Services Division

735-022-0060	Documents Equivalent to Manufacturer's Certificate of Origin (MCO)
735-022-0070	Inspection of Vehicle Identification Numbers
735-022-0080	Definitions Relating to Proof of Compliance with Federal Vehicle Standards
735-022-0090	Proof of Compliance with Federal Vehicle Standards
735-022-0100	Leased Vehicles
735-022-0110	Use of Vehicle Model on Titles and Salvage Titles
735-022-0120	Optional Titling

### DIVISION 24

#### ASSEMBLED/RECONSTRUCTED/ALTERED/ DAMAGED VEHICLES

735-024-0015	Definitions; Title Brands
735-024-0025	Title Brands; When Issued, Removed and Exceptions
735-024-0030	Definitions Relating to Vehicles and Documents for Vehicles that Have Been Damaged, Altered, or Rebuilt
735-024-0050	Definition and Application of Terms — To Wreck, Dismantle, Disassemble or Substantially Alter the Form of a Vehicle
735-024-0070	Vehicles that Are Wrecked, Dismantled, Disassembled, or Substantially Altered in Form — Responsibility of Parties
735-024-0075	Notification of Disposal of Abandoned Vehicle Appraised at \$500 or Less
735-024-0077	Notification of Request to Dispose of a Vehicle Appraised at \$500 or Less Abandoned on Private Property
735-024-0080	Abandoned Vehicles Sold Under ORS 819.220
735-024-0100	Totaled Vehicles — Notice and Surrender of Title by Registered Owner
735-024-0110	Totaled Vehicles — Insurer's Notification to DMV
735-024-0120	Totaled Vehicles — Persons Who Receive or Purchase
735-024-0130	Salvage Title — Vehicles Subject and When/Who Required to Apply
735-024-0140	Salvage Title — Application for Original Salvage Title
735-024-0150	Salvage Title — Application for Replacement Salvage Title
735-024-0160	Salvage Title — Form and Content
735-024-0170	Salvage Title — Assignment, Transfer, Requirements for Surrender

### DIVISION 26

#### DUPLICATE/REPLACEMENT TITLES

735-026-0000	Requirements for Obtaining Replacement Title
735-026-0010	Requirements for Obtaining Replacement Title with Transfer

### DIVISION 28

#### ODOMETERS

735-028-0000	Definitions Relating to Odometer Disclosures
735-028-0010	Vehicles Exempt from Odometer Disclosure Requirements
735-028-0020	Odometer Disclosure; Initial Application for Title with No Change in Ownership
735-028-0030	Odometer Repair/Replacement Notice Requirements
735-028-0040	Odometer Readings and Messages on Oregon Titles
735-028-0050	Odometer Disclosure Requirements Upon Transfer of Interest — When and From Whom Required
735-028-0060	Restrictions on Use of a Power of Attorney for Odometer Disclosure
735-028-0070	Odometer Disclosures — Power of Attorney Granted to Disinterested Third Party

735-028-0080	Odometer Disclosures — Power of Attorney Between the Buyer and Seller — Filings with the State
735-028-0090	Odometer Disclosure a Requirement for Issuance of Title, Exceptions
735-028-0100	Expedite Title and Registration Services for Odometer Disclosure Problems
735-028-0110	Control of Secure Forms — Definitions, Distribution and Fees
735-028-0120	Control of Secure Forms — Distributor Application and Approval
735-028-0130	Control of Secure Forms — Responsibilities of Forms Distributors and End Users
735-028-0140	Control of Secure Forms — Termination of Forms Distributor Approval
735-028-0150	Control of Secure Forms — End User Responsibilities

### DIVISION 30

#### GENERAL REGISTRATION PROVISIONS

735-030-0000	HVUT Definitions
735-030-0010	Vehicle Subject to or Exempt from Providing HVUT Documentation
735-030-0020	HVUT Proof

### DIVISION 32

#### REGISTRATION PLATES AND FEES

735-032-0000	Replacement and Duplicate Registration Plates
735-032-0010	Registration Plate Fee
735-032-0020	Plates Considered Void
735-032-0030	Display of Temporary Registration Permits
735-032-0040	Application of Heavy Motor Vehicle Registration Fees
735-032-0050	Application of Vehicle Registration Fees

### DIVISION 34

#### VEHICLE PERMITS

735-034-0000	Definitions of Trip Permit Agents
735-034-0005	Requirements for Designation as a Trip Permit Agent
735-034-0010	Procedures for Issuance of Trip Permits
735-034-0020	When Registered Vehicle Trip Permit May Not Be Purchased
735-034-0040	Display of Trip Permits
735-034-0050	Issuing Trip Permits

#### SPECIAL REGISTRATION PROVISIONS

### DIVISION 40

#### PARTICULAR VEHICLES/PERSONS

735-040-0000	Special Interest Registration
735-040-0010	Established Organizations — Vehicles of Special Interest
735-040-0020	Definition of a Federally Recognized Indian Tribe
735-040-0030	Documents Needed to Issue Disabled Veteran Registration Plates

#### Group Plates for Veterans' Organizations, Higher Education and Non-profit Groups

735-040-0040	Definitions
735-040-0050	Qualifications; Veterans Group Plates
735-040-0055	Qualifications; Higher Education Group Plates
735-040-0061	Qualifications; Non-Profit Group Plates
735-040-0070	Plate Design
735-040-0080	Application, Approval and Renewal Process for Veterans Group Plates
735-040-0090	Issuance for Veterans' Group

## Chapter 735 Department of Transportation, Driver and Motor Vehicle Services Division

- 735-040-0095 Application, Approval, Renewal and Issuance Process for Higher Education Group Plates  
735-040-0097 Application, Approval, Renewal and Issuance Process for Non-Profit Groups  
735-040-0100 Refund of Fees; Withdrawal and Reinstatement of Group Plates

### DIVISION 42

#### FLEETS

- 735-042-0000 Eligibility for Fleet Registration  
735-042-0010 Fleet Operator Responsibilities  
735-042-0020 Application for and Issuance of Fleet Registration  
735-042-0030 Fleet Registering for One Month Expiration  
735-042-0040 Fleet Cancellation  
735-042-0050 Allocated Fleets — General Provisions  
735-042-0060 Allocated Fleets — Light Trailers

### DIVISION 46

#### SPECIAL PLATES

- 735-046-0000 Custom Plates — Definitions  
735-046-0010 Custom Plates — Application and Standards  
735-046-0020 Custom Plates — Application for Plates as a Gift  
735-046-0030 Custom Plates — Issuance, Renewal and Transfer  
735-046-0040 Custom Plates — Review of Custom Plate and Recall  
735-046-0050 Custom Plates — Issued to Honorary Consuls and Elected Official Plates  
735-046-0060 Graphic Registration Plate Series  
735-046-0070 Charitable Organization/Non-Profit — Registration

### DIVISION 48

#### FARM VEHICLES

- 735-048-0000 Definitions  
735-048-0020 Permitted Uses  
735-048-0030 Need for Vehicles Used in Conjunction with a Farming Operation  
735-048-0040 Application and Annual Requalification  
735-048-0050 Additional Requirements  
735-048-0060 Plates and Devices Issued  
735-048-0070 Complaints  
735-048-0080 Cancellation

### DIVISION 50

#### FINANCIAL RESPONSIBILITY

- 735-050-0000 Determination of Ownership  
735-050-0010 Proof that an Accident is Not Reportable  
735-050-0020 Self-Insurance Qualifications  
735-050-0050 Content of Financial Responsibility Certificate and Procedure for Processing  
735-050-0055 Proof of Compliance with Financial Responsibility Requirements; Registration Renewal  
735-050-0060 Good Faith Belief of Compliance with Financial Responsibility Requirements — Purpose and Definitions  
735-050-0062 What Constitutes “Reasonably and in Good Faith”  
735-050-0064 What Does Not Constitute “Reasonably and in Good Faith”  
735-050-0070 Suspensions for Uninsured Accidents  
735-050-0080 Financial Responsibility Verification Program  
735-050-0090 Post-Imposition Financial Responsibility Hearing  
735-050-0100 Future Responsibility Filing Requirements Following Mandatory Suspension or Revocation  
735-050-0120 Proof of Compliance With Financial Responsibility Requirements in Lieu of an Unexpired Insurance Card

#### Electronic Insurance Reporting

- 735-050-0130 General Provisions for Electronic Insurance Reporting  
735-050-0140 Definitions Relating to Electronic Insurance Reporting  
735-050-0150 Electronic Insurance Reporting  
735-050-0160 Data Elements for Electronic Insurance

### DIVISION 59

#### SIGNS — GENERAL PROVISIONS

- 735-059-0100 Outdoor Advertising Permit and Business License Fees

#### DRIVING PRIVILEGES, LICENSES AND PERMITS

### DIVISION 60

#### THIRD PARTY TESTING FOR COMMERCIAL DRIVER LICENSES

- 735-060-0000 Definitions  
735-060-0030 Qualifications for Third Party Testers  
735-060-0040 Inspection  
735-060-0050 Application for and Issuance of CDL Third Party Tester Certificate  
735-060-0055 Responsibilities of a CDL Third Party Tester  
735-060-0057 Record Requirements  
735-060-0060 Third Party Tester and Examiner Sanctions  
735-060-0065 Matrix for Tester Sanctions  
735-060-0090 Eligibility Requirements for Third Party Examiner Certificate  
735-060-0095 Third Party Examiner Training  
735-060-0100 Application for CDL Third Party Examiner Certificate  
735-060-0105 Responsibilities of a CDL Third Party Examiner  
735-060-0110 Matrix Third Party Examiner Sanctions  
735-060-0115 Code of Ethics and Rules of Conduct  
735-060-0120 The Certification Drive Test  
735-060-0130 The CDL Certificate(s) of Test Completion

### DIVISION 62

#### DRIVER LICENSING

- 735-062-0000 Driver Permits or Driver Licenses  
735-062-0003 Military Exemption from Requirement to Have an Oregon License or Permit  
735-062-0005 Social Security Number on Application for License or Permit  
735-062-0010 Identification Cards  
735-062-0020 Proof of Age and Identity Requirements  
735-062-0030 Proof of Residence Address  
735-062-0035 Proof of School Attendance, Completion or Exemption  
735-062-0040 Knowledge Test  
735-062-0050 Eyesight Check Content and Standards  
735-062-0060 Periodic Check of Driver’s Eyesight  
735-062-0070 Drive Test  
735-062-0073 Denial of Further Testing  
735-062-0075 Driver Tests, Additional Provisions  
735-062-0080 Waiving Drive Test Portion of Driver License Examination  
735-062-0085 Waiving Examination Requirements for Farm Endorsement  
735-062-0090 Renewal Driver Licenses and Identification Cards  
735-062-0092 Mailing Driver Licenses, Driver Permits and Identification Cards  
735-062-0094 Interim Cards  
735-062-0095 Transition to Eight Year Renewal Cycle  
735-062-0105 Waiver of Replacement License or Driver Permit Fee

- 735-062-0110 Replacement Driver Permits, Driver Licenses, and Identification Cards
- 735-062-0115 Non-Issue of a Driver License Following Confiscation
- 735-062-0120 Standards for Issuance of Driver's Licenses Without a Photograph
- 735-062-0130 Issuance of a Replacement Driver License, Driver Permit or Identification Card with a New Number
- 735-062-0135 Voluntary Surrender of Driving Privileges
- 735-062-0140 Proof of Completion of a Motorcycle Education Course
- 735-062-0150 Commercial Driver License with Passenger Endorsement
- 735-062-0160 Clearance Letter
- 735-062-0190 Requirements for Issuance and Retention of a Hazardous Materials Endorsement
- 735-062-0200 Conversion From Another Jurisdiction's Commercial Driver License
- 735-062-0210 Transfer of Driver Records from Other Jurisdictions

**Driving Privileges for Persons with a Limited Vision Condition — Use of Bioptic Telescopic Lens**

- 735-062-0300 Purpose
- 735-062-0310 Definitions
- 735-062-0320 Special Limited Vision Condition Learner's Permit
- 735-062-0330 Training Program for the Use of Bioptic Telescopic Lenses to Drive
- 735-062-0340 Qualifications to be Certified by DMV as a Rehabilitation Training Specialist
- 735-062-0350 Rehabilitation Training Specialist Certificates
- 735-062-0360 Regulation of Rehabilitation Specialists and Programs Offered
- 735-062-0370 Issuance of Certificate of Competency
- 735-062-0380 Issuance of a Permit or Driver License to a Person with a Limited Vision Condition

**DIVISION 63**

**OREGON WAIVER OF PHYSICAL DISQUALIFICATION**

- 735-063-0070 Oregon Waiver of Physical Disqualification
- 735-063-0075 Suspension, Denial or Revocation of an Oregon Waiver of Physical Disqualification

**DIVISION 64**

**SPECIAL DRIVER PERMITS**

- 735-064-0005 Definitions
- 735-064-0020 Who Can Apply for a Hardship or Probationary Permit
- 735-064-0030 Hardship/Probationary Permit Waiting Periods Following Implied Consent or DUII Suspensions
- 735-064-0040 Application Requirements for a Hardship or Probationary Permit
- 735-064-0060 Standards for Issuance of Hardship or Probationary Permits
- 735-064-0070 Ignition Interlock Device (IID) Requirement for Issuance of Hardship or Probationary Permit
- 735-064-0080 How the Hardship or Probationary Permit Is Issued
- 735-064-0085 The Transition of Probationary Permit Length
- 735-064-0090 How to Change the Hardship or Probationary Permit Driving Restrictions
- 735-064-0100 Hardship or Probationary Permit Restrictions
- 735-064-0110 Consequences of Violations of Restrictions, Conditions, Limitations or Requirements of a Hardship or Probationary Permit
- 735-064-0220 Traffic Offenses Used in Habitual Offender, Driver Improvement, CMV Serious Violations and Hardship/Probationary Driver Permit Programs
- 735-064-0230 Emergency Driver Permit
- 735-064-0235 Special Student Driver Permit
- 735-064-0237 Cancellation of an Emergency Driver Permit or Special Student Driver Permit

**DIVISION 70**

**DRIVER LICENSES — REFUSAL, SUSPENSIONS, CANCELLATIONS, REVOCATION AND REINSTATEMENT**

- 735-070-0000 Driver License Cancellations — Not Entitled to Driving Privileges
- 735-070-0004 Cancellation and Suspension Actions Under ORS 809.310 and 809.320
- 735-070-0010 Reinstatement Following Cancellation or Suspension Under ORS 807.220, 807.230, 807.350, 809.310 and 809.320
- 735-070-0015 NDR/PDPS and CDLIS Checks at Reinstatement
- 735-070-0020 Hearing Following a Cancellation
- 735-070-0030 Suspension/Revocation for Out-of-State Conviction, Suspension or Revocation
- 735-070-0035 Effect of Commercial Driver License Suspension on Class C Driver License
- 735-070-0037 Fatal Accidents Used as Serious Traffic Violations
- 735-070-0040 Definition of "Address as Shown by Driver Licensing Records of the Department"
- 735-070-0050 Designated Agents for Vehicle Suspensions
- 735-070-0054 Police Reports for Implied Consent Suspension Under ORS 813.100, 813.120, 813.132 and 813.410
- 735-070-0055 Withdrawal of Implied Consent Forms by Police Agency
- 735-070-0060 Procedure for Rescinding Implied Consent Suspensions of Wrong Person Under ORS 813.460
- 735-070-0076 DUII Diversion Agreements — Definitions "Commenced Participating In" and "Presently Participating In" and Removal from Driving Records
- 735-070-0080 Ignition Interlock Device (IID) as Requirement Following DUII Suspension
- 735-070-0085 DUII Treatment Completion Certificate Requirement for Reinstatement
- 735-070-0090 Violation of License Restriction
- 735-070-0110 Hearing Requests Under the Administrative Procedures Act
- 735-070-0130 Fatal Accident Suspension
- 735-070-0160 Restoration of Driving Privileges for Habitual Offenders
- 735-070-0170 Civil Penalty Schedule for Violation of an Out-of-Service Order or Notice
- 735-070-0185 Report of Positive Drug Test Result from Medical Review Officer
- 735-070-0190 Hearing Request for Entry of Positive Drug Test Result on Employment Driving Record
- 735-070-0200 Reinstatement of CDL Disqualification

**DIVISION 72**

**DRIVER IMPROVEMENT**

- 735-072-0000 Application of the Driver Improvement Program
- 735-072-0010 Purpose of the Driver Improvement Program
- 735-072-0020 Driver Improvement Program Definitions
- 735-072-0023 Provisional Driver Improvement Program
- 735-072-0027 Adult Driver Improvement Program
- 735-072-0035 Driver Improvement Offenses
- 735-072-0050 Rights to a Hearing or Administrative Review

**DIVISION 74**

**AT-RISK DRIVER PROGRAM — MANDATORY REPORT FOR MEDICAL PROFESSIONALS**

- 735-074-0050 Policy and Objective
- 735-074-0060 Purpose
- 735-074-0070 Authority to Obtain Medical Information and DMV Use of Medical Information
- 735-074-0080 Definitions
- 735-074-0090 Physicians and Health Care Providers Required to Report to DMV

**Chapter 735 Department of Transportation, Driver and Motor Vehicle Services Division**

- 735-074-0100 Report of Visual Acuity or Field of Vision not Meeting DMV Standards
- 735-074-0110 Severe and Uncontrollable Impairments that must be Reported to DMV
- 735-074-0120 The Mandatory Report to DMV
- 735-074-0130 Standards for Identifying How Impairments Affect Driving
- 735-074-0140 DMV Response to Mandatory Report — Suspension, Opportunity to Re-Test, Reinstatement When a Suspension or Cancellation of Driving Privilege Occurs
- 735-074-0180 Tests Required
- 735-074-0190 Testing Process
- 735-074-0200 Restricted Applicant Temporary Permit
- 735-074-0210 Restricted Licenses
- 735-074-0220 Hearing Request for Suspension or Cancellation of Driving Privileges Under Division 74 and Division 76 Rules
- 735-074-0260 Medical Standards for Drivers of Commercial Motor Vehicles
- 735-074-0270 Who Must Have an Approved Medical Certificate
- 735-074-0280 Approved Medical Certificates
- 735-074-0290 Medical Certificate Procedures

**DIVISION 76**

**AT-RISK DRIVER PROGRAM — NON-MANDATORY REPORTING**

- 735-076-0000 Policy, Objective and Purpose of the At-Risk Program – Non-Mandatory Reporting
- 735-076-0002 Definitions
- 735-076-0005 Reporting Requirements
- 735-076-0007 DMV Response to Non-Mandatory Report
- 735-076-0010 The Testing Process
- 735-076-0015 The Process When a Medical Report Form or Certificate of Vision is Required
- 735-076-0018 The Process when a Certificate of Eligibility is Required
- 735-076-0020 Suspension or Cancellation of Driving Privileges
- 735-076-0035 Recertification
- 735-076-0050 Restricted License
- 735-076-0052 Restricted Applicant Temporary Permit
- 735-076-0060 Hearing Provisions

**DIVISION 80**

**PARKING**

- 735-080-0000 Procedures for Issuance of Parking Permits for Winter Recreation Parking Areas
- 735-080-0010 Definitions Relating to Disabled Person Parking Permits
- 735-080-0020 Who May Apply for Disabled Person Parking Permits
- 735-080-0030 Application for Disabled Person Parking Permits
- 735-080-0040 Replacement and Renewal of Disabled Person Parking Permits
- 735-080-0050 Display and Use of Disabled Person Parking Permits
- 735-080-0060 Identification Cards Without Photograph
- 735-080-0070 Replacement/Renewal of Identification Cards Without Photograph
- 735-080-0080 Temporary Duplicate Permits

**DIVISION 90**

**IMPLIED CONSENT HEARING PROCEDURES**

- 735-090-0000 Definitions
- 735-090-0020 Hearings Requests
- 735-090-0040 Document Submission Requirements
- 735-090-0051 Subpoena of Witness
- 735-090-0101 Hearing Location
- 735-090-0110 Just Cause Petitions

- 735-090-0120 Official Duty Conflicts
- 735-090-0130 Error of the Department

**VEHICLE EQUIPMENT**

**DIVISION 100**

**APPROVAL/DESIGNATIONS**

- 735-100-0000 Authority for Administrative Rules
- 735-100-0010 Equipment Compliance and Approval
- 735-100-0020 Bus Safety Lights Used on Church Buses
- 735-100-0030 Designation of Emergency Vehicles

**DIVISION 102**

**OCCUPANT/RIDER PROTECTION**

- 735-102-0000 Seat Belt Assemblies and Seat Belt Assembly Anchorages
- 735-102-0010 Child Safety Systems
- 735-102-0030 Bicycle, Skateboard, Scooter and In-Line Skate Protective Headgear (Helmets)

**DIVISION 104**

**WINDOWS AND GLAZINGS**

- 735-104-0000 Glazing Materials

**DIVISION 106**

**BRAKE SYSTEMS/FLUIDS/RELATED DEVICES**

- 735-106-0000 Motor Vehicle Brake Fluids

**DIVISION 108**

**LIGHTING EQUIPMENT**

- 735-108-0000 Lamps, Reflective Devices and Associated Equipment for Motor Vehicles
- 735-108-0005 Definitions Relevant to Division 108
- 735-108-0010 Aiming, Wiring and Mounting of Headlights for Motor Vehicles
- 735-108-0020 Bus Safety Warning Lights
- 735-108-0030 360-Degree Warning Lights
- 735-108-0040 Flashing Warning Lights
- 735-108-0045 Gaseous Discharge Warning Lights
- 735-108-0050 Spot Lights
- 735-108-0060 Auxiliary Driving Lamps for Motor Vehicles
- 735-108-0065 Mounting, Wiring and Aiming of Auxiliary Driving Lamps for Motor Vehicles
- 735-108-0070 Fog Lamps for Motor Vehicles and Trailers
- 735-108-0073 Mounting, Wiring and Aiming of Front Fog Lamps for Motor Vehicles
- 735-108-0076 Mounting, Wiring and Aiming of Rear Fog Lamps for Motor Vehicles and Trailers
- 735-108-0080 Auxiliary Low Beam Lamps for Motor Vehicles
- 735-108-0085 Mounting, Wiring and Aiming of Auxiliary Low Beam Lamps for Motor Vehicles
- 735-108-0090 Lamps, Reflective Devices and Associated Equipment for Motorcycles and Mopeds
- 735-108-0100 Motorcycle Auxiliary Front Lamps
- 735-108-0110 Mounting, Wiring and Aiming of Motorcycle Auxiliary Front Lamps
- 735-108-0120 Lamps, Reflective Devices and Associated Equipment for Use on Trailers

**DIVISION 110**

**HORNS/SIRENS/SOUND DEVICES**

- 735-110-0000 Definitions Relevant to Sirens
- 735-110-0010 Siren Standards
- 735-110-0020 Approval of Sirens

## Chapter 735 Department of Transportation, Driver and Motor Vehicle Services Division

- 735-110-0030 Identification Markings for Sirens  
735-110-0040 Siren Test Procedures and Performance Requirements  
735-110-0050 Siren Mounting

### DIVISION 112

#### COUPLING DEVICES/HITCHES

- 735-112-0000 Vehicle Coupling Devices, Hitches and Safety Chains

### DIVISION 114

#### WARNING DEVICES

- 735-114-0000 Red Emergency Reflective Warning Devices  
735-114-0010 Warning Devices for Stopped or Disabled Vehicles  
735-114-0020 Slow-Moving Vehicle Emblems

### DIVISION 116

#### STANDARDS FOR OFF-ROAD VEHICLES

- 735-116-0000 Safety Equipment Standards for Off-Road Vehicles

### DIVISION 118

#### IGNITION INTERLOCK DEVICES

- 735-118-0000 Definitions Relevant to Ignition Interlock Devices  
735-118-0010 Ignition Interlock Devices Approved in Oregon and Providers  
735-118-0020 Product Liability for Ignition Interlock Devices  
735-118-0030 Removal from List of Approved Ignition Interlock Devices  
735-118-0040 Performance Standards for Ignition Interlock Devices

#### TRANSPORTATION OF WORKERS/ VEHICLE EQUIPMENT

### DIVISION 120

#### DEFINITIONS/RIGHTS OF TRANSPORTATION SAFETY

- 735-120-0000 Rights of Transportation Safety  
735-120-0010 Definitions

### DIVISION 122

#### INSPECTION/TESTING/REPAIRS

- 735-122-0000 Inspection, Testing, and Repairs

### DIVISION 124

#### CONSTRUCTION OF VEHICLES

- 735-124-0000 Use of Trailer Prohibited  
735-124-0010 School Bus Identification Removal  
735-124-0020 Flashing Warning Lights  
735-124-0030 Bus Equipped with Eight-Light System  
735-124-0040 Construction of Vehicles  
735-124-0050 Overhead Protection Required  
735-124-0060 Class "C" Vehicles  
735-124-0070 Number of Passengers, Standees, Passenger Compartment  
735-124-0080 Maximum Time or Distance Permissible for Standees  
735-124-0090 Entrance and Exit  
735-124-0100 Turn Signals  
735-124-0110 Mirrors  
735-124-0120 Brakes  
735-124-0130 Muffler and Exhaust System  
735-124-0140 Steering Gear  
735-124-0150 Tires

- 735-124-0160 Sun Shield  
735-124-0170 Battery  
735-124-0180 Weight Distribution — Buses  
735-124-0190 Horn  
735-124-0200 Glass

### DIVISION 126

#### SAFETY EQUIPMENT REQUIREMENTS

- 735-126-0000 First Aid Kit  
735-126-0010 Fire Extinguisher  
735-126-0020 Securing of Tools, Equipment, Etc.

### DIVISION 128

#### DRIVER'S DUTIES

- 735-128-0000 Drivers  
735-128-0010 Operation of Vehicle  
735-128-0020 Hauling of Explosives Prohibited  
735-128-0030 Hauling of Gasoline, Etc.  
735-128-0040 Refueling of Vehicles  
735-128-0050 Heating of Vehicles

### DIVISION 130

#### WORKER'S DUTIES

- 735-130-0000 Worker's Duties

#### REGULATION OF VEHICLE-RELATED BUSINESSES

### DIVISION 150

#### VEHICLE DEALERS

- 735-150-0000 Authority and Purpose  
735-150-0005 Oregon Dealer Advisory Committee  
735-150-0010 Definitions  
735-150-0015 Dealer Applications  
735-150-0017 Acting as a Vehicle Dealer  
735-150-0020 Exemptions From Vehicle Dealer Certification Requirement  
735-150-0024 Investigation of Certificate Applications  
735-150-0027 Refusal to Issue or Renew Vehicle Dealer Certificate  
735-150-0030 Dealer Location Regulations  
735-150-0033 Display of Vehicles for Advertising  
735-150-0035 Dealer Records  
735-150-0037 Records; Satisfying Prior Interest; Providing Clear Title  
735-150-0039 Qualifications for Designation of Dealer as Agent  
735-150-0040 Designation of Dealers as Agents  
735-150-0045 Special Rules Concerning Recreational Vehicle Dealers  
735-150-0050 Preparation and Submission of DMV Documents and Fees  
735-150-0055 Dealer Title and Registration Document Preparation Service Fee; Inspection  
735-150-0060 Issuance of Temporary Registration Permits  
735-150-0070 When Trip Permits May Be Issued by Dealers  
735-150-0080 Requirements for Issuing Trip Permits  
735-150-0105 Late Renewal of Dealer License  
735-150-0110 Dealer Offenses Subject to Civil Penalty or Sanction  
735-150-0120 Sanctions  
735-150-0130 Civil Penalty Consideration; Certified Vehicle Dealers  
735-150-0140 Schedule of Civil Penalties for Certified Dealers  
735-150-0160 Civil Penalty Considerations; Acting as a Dealer Without a Certificate  
735-150-0170 Schedule of Violation Penalties, Unlicensed Dealer  
735-150-0190 Contested Case Hearings and Disposition  
735-150-0205 Liquidation of Dealer Inventory Upon Closure of Dealership

## Chapter 735 Department of Transportation, Driver and Motor Vehicle Services Division

**735-150-0250** Lien Claimant Records; Notification of Sale  
**735-150-0260** Civil Penalty Consideration, Lien Claimant Records

### DIVISION 152

#### DISMANTLERS

**735-152-0000** Definitions  
**735-152-0005** Dismantler Application  
**735-152-0010** Investigation of Dismantler Applications  
**735-152-0020** Refusal to Issue and Probationary Status of Dismantler Certificate  
**735-152-0025** Dismantler Business Location Regulations  
**735-152-0030** Denial or Suspension of Wrecker Certificate  
**735-152-0031** Dismantler Records  
**735-152-0034** Report that Vehicle is Dismantled or Destroyed  
**735-152-0037** Late Renewal of Dismantler Certificate  
**735-152-0040** Dismantler Violations Subject to Sanction  
**735-152-0045** Civil Penalty Consideration; Certified Dismantlers Sanctions  
**735-152-0050** Sanctions  
**735-152-0060** Civil Penalty Matrix for Certified Dismantlers  
**735-152-0070** Civil Penalty Considerations; Acting as a Dismantler Without a Certificate  
**735-152-0080** Schedule of Violation Penalties, Unlicensed Dismantler  
**735-152-0090** Contested Case Hearings and Disposition

### DIVISION 154

#### TOWING BUSINESSES

**735-154-0000** Regulations Governing Towing and Recovery Businesses  
**735-154-0005** Authority of Towing Business to Issue 10-day Trip Permits  
**735-154-0010** Requirements for Towing Business Certificate  
**735-154-0040** Minimum Safety Standards  
**735-154-0050** Inspection of Vehicles  
**735-154-0060** Lessee as Owner on Leased Tow or Recovery Vehicle

### DIVISION 158

#### VEHICLE APPRAISERS

**735-158-0000** Vehicle Appraiser Certificate

### DIVISION 160

#### DRIVER TRAINING

**735-160-0003** Purpose and Exemptions  
**735-160-0005** Definitions  
**735-160-0010** Commercial Driver Training School Operator Qualifications  
**735-160-0011** Issuance of Original Commercial Driver Training School Certificate  
**735-160-0012** Renewal Commercial Driver Training School Certificate and Application  
**735-160-0013** Refusal to Issue or Renew Commercial Driver Training School Certificate  
**735-160-0015** Commercial Driver Training School Operator Responsibilities  
**735-160-0020** Location and Advertising  
**735-160-0030** Commercial Driver Training School Records  
**735-160-0035** Inspection and Investigation  
**735-160-0040** Vehicle Equipment  
**735-160-0050** Curriculum Standards and Courses for Commercial Driver Training School Program  
**735-160-0075** Commercial Driver Training School Instructor Qualifications  
**735-160-0080** Original Commercial Driver Training School Instructor Certificate Application and Requirements  
**735-160-0085** Commercial Driver Training School Instructor Certificate Renewal Application

**735-160-0093** Refusal to Issue or Renew Commercial Driver Training School Instructor Certificate  
**735-160-0095** Commercial Driver Training School Instructor Responsibilities  
**735-160-0100** Commercial Driver Training School Instructor Testing  
**735-160-0110** Instructor Certificate Issuance, Correction, Surrender, and Replacement  
**735-160-0115** Commercial Driver Training School and Instructor Sanctions  
**735-160-0125** Sanctions  
**735-160-0130** Code of Ethics and Rules of Conduct

### DIVISION 162

#### SNOWMOBILES INSTRUCTORS/OPERATORS

**735-162-0000** Qualifications  
**735-162-0010** Certification Application  
**735-162-0020** Course Content  
**735-162-0030** Certification  
**735-162-0040** License Application  
**735-162-0050** Requirements  
**735-162-0060** Testing  
**735-162-0070** Certification

### DIVISION 164

#### SNOWMOBILE TITLE/REGISTRATION

**735-164-0000** Snowmobile Fees Relating to Registration  
**735-164-0010** Snowmobiles — Title and Registration Requirements  
**735-164-0020** Placement of Snowmobile Decal

#### MOTOR VEHICLE FUEL TAXES

### DIVISION 170

#### FUEL LICENSES AND RECORDS

**735-170-0000** Definitions  
**735-170-0010** Records Required  
**735-170-0020** Tax Report Forms  
**735-170-0030** Tax Report Preparation  
**735-170-0040** Tax Report Filing Dates  
**735-170-0045** Motor Vehicle Fuel Tax Waiver of Late Payment Penalties  
**735-170-0050** Transactions Which May Be Classed as Export Sales  
**735-170-0060** Certificate of Exportation Requirements  
**735-170-0070** Special Requirements Relating to Reporting and Recording Export Sales  
**735-170-0080** Sales to the Armed Forces of the United States — Tax Exempt Under Certain Conditions  
**735-170-0090** Exemption Certificates  
**735-170-0100** Fuel Lost or Destroyed — Tax Exemption Requirements  
**735-170-0110** Evidence Demonstrating that a Dealer did not Intend to Avoid Paying Taxes for Purposes of Determining the Bond Amount  
**735-170-0120** Notice of Suspension/Revocation — Method of Delivery  
**735-170-0130** Motor Vehicle Fuel Tax Credit of Interest on Tax Overpayments  
**735-170-0140** Motor Vehicle Tax Refunds to License Oregon Motor Vehicle Fuel Dealers for Uncollectible Accounts

### DIVISION 174

#### FUEL TAX REFUNDS AND PENALTIES

**735-174-0000** General Provisions for Fuels Tax Refunds

- 735-174-0010 Tax Refunds on the Use of Gasoline and Other Motor Vehicle Fuels
- 735-174-0020 Records and Invoice Requirements
- 735-174-0030 Rules and Special Requirements for Fuel Tax Refunds
- 735-174-0040 Tax Refunds on Use of Gasoline and Other Motor Vehicle Fuels in Motor Boats

**DIVISION 176**

**USE FUEL TAX**

- 735-176-0000 Definitions
- 735-176-0010 Use Fuel Seller Requirements — Except for Sellers as Defined in ORS 319.520(9)(b)
- 735-176-0015 Use Fuel Seller Requirements — For Sellers as Defined in ORS 319.520(9)(b)
- 735-176-0018 Special Situations — Dual Operations Facilities
- 735-176-0020 Use Fuel User Requirements
- 735-176-0030 Use Fuel Tax Waiver of Late Payment Penalties
- 735-176-0040 Use Fuel Tax Credit of Interest on Tax Overpayments

**DIVISION 1**

**PROCEDURAL RULES**

**735-001-0020**

**Issuance of Final Orders in Contested Cases**

(1) An administrative law judge (ALJ) is authorized to issue a final order without first issuing a proposed order in a contested case hearing conducted for the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) except under the following circumstances:

- (a) DMV provides written notice to the Chief Administrative Law Judge of the Office of Administrative Hearings that the ALJs conducting hearings for DMV must issue proposed orders as set forth in OAR 137-003-0645 for the types of actions specified in the notice; or
- (b) Prior to the commencement of a contested case hearing DMV provides written notice to the ALJ conducting the hearing and to the party(s) that the ALJ must issue a proposed order as set forth in OAR 137-003-0645.

(2) Exceptions to a proposed order issued under section (1) of this rule shall be filed with the ALJ within 20 days of the issuance and mailing date of the proposed order. The administrative law judge will review the exceptions and issue a written response or revised proposed order to the party and to DMV as set forth in OAR 137-003-0650, unless DMV requests the ALJ to conduct a further hearing under OAR 137-003-0655.

(3) If no exceptions are filed, a proposed order issued by an ALJ becomes the final order 30 days from the issuance and mailing date of the proposed order, unless DMV provides notice in writing to the party(s) and the ALJ that DMV will issue the final order. If exceptions to the proposed order are filed, the proposed order or revised order becomes the final order 30 days after the issuance and mailing date of the written response to exceptions or the issuance and mailing date of the revised proposed order, unless DMV gives notice to the party(s) and the ALJ that DMV will issue the final order. If DMV issues the final order, it will follow the procedures set forth in OAR 137-003-0655.

Stat. Auth.: ORS 802.010 & 813.410  
 Stats. Implemented ORS 183.470  
 Hist.: MV 11-1984, f. & ef. 8-31-84; March 1988, Renumbered from 735-001-0010; DMV 23-2004, f. & cert. ef. 11-17-04

**735-001-0030**

**References to Motor Vehicle Laws and Administrative Rules in DMV Documents**

(1) The motor vehicle laws of the Oregon Revised Statutes were rewritten and renumbered by Chapter 338, Oregon Laws 1983 (HB 2031). This rewrite was further amended by Chapter 16, Oregon Laws 1985 (SB 100).

(2) Any reference to an Oregon Revised Statute repealed by Section 978, Chapter 338, Oregon Laws 1983 and Section 475, Chapter 16, Oregon Laws 1985 in any Driver and Motor Vehicle Services Division

of the Department of Transportation (DMV) document is a reference to the corresponding section in the current ORS Chapters 801 through 823. These documents include but are not limited to:

- (a) Administrative rules;
- (b) Regulations;
- (c) Ordinances;
- (d) Orders;
- (e) Resolutions; and
- (f) Forms.

(3) Table 1 cross references the former statute numbers with the new statute numbers.

(4) All of the administrative rules in OAR chapter 735 were renumbered by the Secretary of State effective March 3, 1988.

(5) Any reference to an OAR chapter 735 administrative rule number used prior to March 3, 1988, in any DMV documents is a reference to the corresponding rule number effective on and after that date. These documents include but are not limited to those identified in subsections (2)(b) through (f) of this rule.

(6) **Table 2** cross references the former administrative rule numbers with the new administrative rule numbers.

[ED. NOTE: Tables referenced are available from the agency.]  
 Stat. Auth.: ORS 802.010(3)(d) & Ch. 338, Sec. 3(i), OL 1983  
 Stats. Implemented: Ch. 338, §3(1), OL 1983  
 Hist.: MV 18-1985, f. 12-19-85, ef. 1-1-86; March 1988, Renumbered from 735-001-0025; MV 10-1988(Temp), f. & cert. ef. 3-18-88 thru 9-11-88; MV 14-1988, f. & cert. ef. 5-3-88

**735-001-0040**

**DMV Representation at Contested Case Hearings**

This rule authorizes an agency officer or employee to represent DMV at a contested case hearing as described in this rule. Except for a hearing described under ORS 183.430(2), the Attorney General has granted authority to DMV to appoint officers or employees to represent DMV at contested case hearings regarding:

- (1) Suspension, revocation and cancellation of driving privileges, except an implied consent suspension;
- (2) Non-issuance of driver licenses and identification cards;
- (3) Suspension, revocation, cancellation, probation and denial of certificates;
- (4) Suspension, revocation, cancellation and denial of dismantler certificates;
- (5) Suspension, revocation, denial and refusal to issue or renew a towing company certificate;
- (6) Revocation and denial of a vehicle transporter certificate; and
- (7) Civil penalties assessed under the authority of ORS 822.009 and OAR chapter 735, division 150.

Stat. Auth.: ORS 183.415, 183.450, 184.616, 814.619, 802.010  
 Stats. Implemented: ORS 183.450  
 Hist.: MV 16-1988, f. & cert. ef. 5-18-88; MV 3-1991, f. & cert. ef. 5-16-91, Renumbered from 735-070-0100; MV 9-1992, f. & cert. ef. 8-17-92; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-001-0050**

**Administrative Review**

In addition to those circumstances specified in ORS 809.140, Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will provide an administrative review of a suspension, revocation, or cancellation action for:

- (1) Failure to install an ignition interlock device under ORS 813.602;
- (2) A cancellation of a driver license, instruction driver permit or limited vision condition learner's permit under ORS 807.162;
- (3) Notice of violating of an out-of-service order ORS 809.413;
- (4) Failure to pay a judgment under ORS 809.415(1);
- (5) Incompetence to drive a motor vehicle because of a physical or mental condition that makes it unsafe for the person to drive on the highways and the person has been denied a certificate of eligibility under ORS 807.090;
- (6) Notification from the superintendent of a hospital under ORS 807.400;
- (7) A request by a school superintendent or a school district board under ORS 339.254; and
- (8) Notice that a person under 18 years of age has withdrawn from school under ORS 339.257.

Stat. Auth.: ORS 183.415, 183.450, 184.616, 814.619, 802.010  
 Stats. Implemented: ORS 183.450  
 Hist.: MV 27-1991, f. & cert. ef. 12-16-91; DMV 23-2004, f. & cert. ef. 11-17-04



**735-001-0100**

**Refunds**

DMV will issue a refund of moneys received in excess of the amount legally due:

- (1) If DMV determines a person has made an overpayment of more than \$5; or
- (2) Upon written request from a person who made an overpayment, or the person's legal representative, if the request is submitted to DMV within three years of the date that DMV received the overpayment.

Stat. Auth.: ORS 184.616, 184.619, 293.445, 802.010, 802.110  
 Stats. Implemented: ORS 293.445, 802.110  
 Hist.: DMV 5-2006, f. & cert. ef. 5-25-06

**DIVISION 10**

**PROCESSING AND RECORDS**

**735-010-0000**

**What is Used to Calculate the Actual Cost of Providing a Public Record**

(1) ORS 192.440 provides that any public body may establish fees reasonably calculated to reimburse it for actual costs in making records available to the public, government agencies or commercial firms.

(2) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall use the following to calculate the actual cost of providing a public record:

- (a) All computer costs. This includes programmer/analyst services, magnetic tapes, and time to run and produce the required record;
- (b) All time spent by staff to produce a record. This includes phone time, typing, data entry, and search efforts;
- (c) A pro-rata share of DMV's overhead expense; and
- (d) All materials which are used to provide a record.

Stat. Auth.: ORS 192.440, 283.110, 802.010, 802.220 & 802.230  
 Stats. Implemented: ORS 802.230  
 Hist.: MV 5-1982, f. 1-12-82, ef. 2-1-82; March 1988, Renumbered from 735-032-0020; MV 9-1983, f. 10-5-83, ef. 10-15-83; MV 10-1984, f. 6-29-84, ef. 7-1-84

**735-010-0005**

**Purpose of Record Requests Rules**

In 1997, new laws were enacted that prohibit the disclosure of personal information obtained in connection with a motor vehicle record (ORS 802.175 through 802.191). ORS 802.179 sets out specific exemptions from the disclosure prohibition. OAR 735-010-0010 through 735-010-0040 establish criteria and fees for the receipt of motor vehicle records as set out in ORS 802.175 through 802.270. OAR 735-010-0200 through 735-010-0230 establish criteria for the receipt of personal information obtained in connection with motor vehicle records.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179 & 802.183  
 Stats. Implemented: ORS 802.175 - 802.270  
 Hist.: DMV 15-1998, f. 11-17-98, cert. ef. 12-1-98

**735-010-0008**

**Definitions**

As used in division 10 rules, the following definitions apply:

- (1) "Bulk distribution" means the distribution of surveys, marketing materials and solicitations, regardless of the medium used for distribution, including but not limited to:
  - (a) Material distributed to a targeted group of people to tell them about the suitability or quality of a product or service;
  - (b) Market research which involves contacting individuals;
  - (c) Nonprofit entities seeking donations of labor, products or money; or
  - (d) Political material designed to encourage membership in a political organization, or to gain support for individuals seeking election to public office, or solicit money or labor for a political campaign or election.
- (2) "Business entity" means a corporation, organization, firm, association, partnership, governmental agency, lawful commercial enterprise or other legal entity, other than an individual.
- (3) "Business address" means the physical address of the place in which or from which a business entity operates.

(4) "Business name" is the name, including an abbreviation or acronym, by which a business is designated in official records and under which it conducts business.

(5) "Conducting business with DMV" includes any business with DMV that results in the creation of a customer record or change to an existing customer record.

(6) "County of use" means the county in which a vehicle is primarily used, when that county is:

- (a) Other than the county of the owner's residence or business address; and
- (b) Other than the county of the vehicle address provided to DMV.

(7) "Customer number" means the distinguishing number assigned by DMV to each individual or business entity for which a customer record has been created.

(8) "Customer record" means the computer record created by DMV at the time an individual or business entity first does business with DMV.

(9) "Descriptive address" means information sufficient to identify the location of a residence or business entity if there is no actual street or rural route address, or to explain where a person lives if the person has no fixed residence.

(10) "Disseminator," means a person whose primary business function is the sale or distribution of information, including personal information in response to an individual record inquiry from a person who is authorized by DMV to receive the information under ORS 802.179.

(11) "DMV" means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.

(12) "Employment address" means the address of the public agency employing a police officer or eligible public employee as provided in ORS 802.250.

(13) "Insurance support organization," as used in ORS 802.179(6), means a person who regularly engages in assembling or collecting information about a natural person for the primary purpose of providing the information to an insurer or insurance agent in connection with claims investigation activities, antifraud activities, underwriting or rating. "Insurance support organization" does not include an insurer, an insurance agent, a governmental institution, medical care institution or medical professional.

(14) "Legitimate business" means a lawful business enterprise operating in compliance with federal, state and local law.

(15) "Mailing address" means an address other than an actual residence or business address to which a person or business entity mail delivered, including a post office box or address of a service provider.

(16) "Motor vehicle record" means any record that pertains to a grant of driving privileges, an identification card, vehicle title or vehicle registration issued by DMV. "Motor vehicle record" does not mean a record pertaining to a manufactured structure.

(17) "Person" means an individual, an organization or an entity but does not include the State of Oregon or any agency thereof.

(18) "Personal information" means the following information that identifies an individual:

- (a) Driver license, driver permit or identification card number;
- (b) Name;
- (c) Address (excluding five-digit zip code); and
- (d) Telephone number.

(19) "Primary residence" means the state, jurisdiction or physical location where an individual lives, during any 12-month period, more than he or she lives elsewhere during that period.

(20) "Records list" means a list of driver or vehicle records compiled by selecting records that meet one or more general criteria, where the criteria is not specific to any one person or vehicle. Records lists would include such things as a list of vehicle records of a given manufacturer or a list of licensed drivers over the age of 65. A records list would not include records that were selected by a specific identifier, such as an individual's driver license number or a vehicle's registration plate number.

(21) "Registration address" means the vehicle address, if one is provided or is a vehicle address is not provided:

- (a) The vehicle owner's residence address if the owner is an individual; or

(b) The vehicle owner's, business address if the owner is other than an individual. Some examples may include a business, school district, organization or church.

(22) "Residence address" means the actual address at which an individual resides more than he or she lives elsewhere during a 12-month period. If an individual resides an equal amount of time at two or more addresses, the individual shall determine which address is his or her residence address and use that as the residence address in conducting business with DMV. A residence address shall not be that of a service provider, except for purposes of titling or registering a vehicle owned by the service provider or obtaining an Oregon driver license, driver permit or identification card by the service provider.

(23) "Service Provider" means a business which facilitates the collection or delivery of mail, or businesses that provide vehicle registration services for another party. A mail service shall be considered to be a Service Provider.

(24) "True name" means the name an individual uses to conduct his or her business, such as the name used when filing tax forms, in social security records, or to obtain an insurance policy, bank account, mortgage or drivers license.

(25) "Vehicle address" means the residence or business address where the vehicle is primarily housed, or from where the vehicle is primarily dispatched when different than the actual residence or business address of the owner.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179, 802.183, 803.370 & 807.050  
 Stats. Implemented: ORS 802.175 - 802.270, 803.220, 803.370, 807.050, 807.420, 807.560 & 821.080  
 Hist.: DMV 15-1998, f. 11-17-98, cert. ef. 12-1-98; DMV 6-1999, f. & cert. ef. 12-17-99; DMV 10-2000, f. & cert. ef. 9-21-00; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 29-2005, f. 12-14-05, cert. ef. 1-1-06

**735-010-0010**

**Requirements to Obtain a Public Record**

(1) Fees for records shall be paid in advance or billed to an account, except:

(a) If a fee is not set by law, DMV reserves the right to waive a charge for records when the cost to collect the fee would be more than the cost to provide a record;

(b) DMV may provide information without charge on an exchange basis, to other states, federal agencies, or appropriate designee, or motor vehicles associations if DMV, in turn, is not charged for information it receives; or

(c) DMV will accept a purchase order number if the purchaser is a government agency.

(2) Persons who request information by magnetic tape shall provide their own magnetic tape. DMV will set required input and output formats for records. The required format may be obtained by calling or writing to: DMV, Records Services Unit, 1905 Lana Avenue, N.E., Salem, Oregon 97314.

(3) A request for a public record must allow DMV a reasonable period of time to provide the record so that DMV's activities or operations are not unduly disrupted.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 283.110, 802.010, 802.220, 802.230 & 802.530  
 Stats. Implemented: ORS 802.220  
 Hist.: MV 10-1984, f. 6-29-84, ef. 7-1-84; MV 25-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-032-0025; DMV 15-1998, f. 11-17-98, cert. ef. 12-1-98

**735-010-0020**

**Procedures for Record Inquiry or TOD Filing Fee Accounts**

(1) As used in this rule, "Account Bond" means a bond or undertaking issued by an authorized surety insurer to guarantee payment of the account holder's Record Inquiry Account or TOD (Transitional Ownership Document) Filing Fee Account established in accordance with OAR 735-020-0040 in the amount set forth in sections (7) and (8) of this rule.

(2) The Department of Transportation (department) shall establish a Record Inquiry Account for any party who:

(a) Submits a completed Application for Record Inquiry Account, including the required account qualification certification and supporting documents;

(b) The department determines to be qualified to receive personal information after reviewing the Application for Record Inquiry Account, qualification certification and supporting document; and

(c) Pays a \$70 non-refundable fee to cover the cost of processing the account application.

(3) The department shall establish a TOD Filing Fee Account, used for billing purposes only, for any person who:

(a) Submits a completed Application for TOD Filing Fee Account; and

(b) Pays a \$70 non-refundable fee to cover the cost of processing the account application.

(4) In addition to the requirements of sections (2) and (3) of this rule, if the applicant is a dealer of new or used motor vehicles, the applicant must be certified as a vehicle dealer by the department under ORS Chapter 822 before a Record Inquiry Account or TOD Filing Fee Account may be established.

(5) An invoice summarizing the billings for the prior month shall be sent monthly to each account holder.

(6) The account holder shall return the remittance advice copy of the invoice when making payment on the account.

(7) An Account Bond is required for all Record Inquiry Accounts and TOD Filing Fee Accounts carrying outstanding balances of \$500 or more as follows:

(a) When a Record Inquiry Account or TOD Filing Fee Account has an outstanding balance of \$500 or more for three consecutive months. The Account Bond amount shall be the greater of \$1,500 or three times the average outstanding monthly balance for the past year, or since the date the account was opened, whichever period is shorter;

(b) When the department determines the required Account Bond amount, the department shall notify the account holder and it shall be the account holder's responsibility to obtain a bond in the amount specified by the department; and

(c) The bond shall be filed by the account holder, with the department, within 30 days of notification by the department.

(8) An Account Bond in the minimum sum of \$500 may be required for all Record Inquiry Accounts or TOD Filing Fee Accounts carrying outstanding balances of less than \$500 when:

(a) The department becomes aware that the account holder has a poor credit rating; or

(b) The account holder has been delinquent in paying the account charges, for over 60 days, at least three times since the account was opened.

(9) The department may immediately close any Record Inquiry Account or TOD Filing Fee Account if any of the following events occur:

(a) An account has been delinquent for four months and the account is not paid within 15 days of written notification of payment demand by the department;

(b) No transactions are recorded in the account in a one-year period;

(c) An account holder fails to obtain an Account Bond in accordance with section (7) or (8) of this rule;

(d) An account becomes delinquent in excess of the amount of the Account Bond securing the account;

(e) The Record Inquiry Account holder no longer qualifies to receive personal information from motor vehicle records;

(f) The Record Inquiry Account holder fails to immediately notify the department of a change in qualification status for receipt of personal information;

(g) The department receives notice that the account holder's Account Bond has been canceled or has expired;

(h) DMV receives a notice of bankruptcy for the account holder;

or  
 (i) The account holder submits a written request that the department close their account.

(10) Any account that has been closed under section (9) of this rule cannot be reopened. A new account must be established by:

(a) Submitting a new account application and meeting all requirements of sections (2) through (4) of this rule, including payment of any fees required under section (2) or (3) of this rule; and

(b) Payment, in full, of any previously delinquent account balances.

(11) Account holders shall be responsible for attorney fees and any other fees incurred by the department for the collection of any amount not paid when due.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179, 802.183, 802.220 & 802.230  
 Stats. Implemented: ORS 802.179, 802.220 & 802.230  
 Hist.: MV 6-1978, f. 10-3-78, ef. 12-1-78; MV 19-1983, f. 12-30-83, ef. 1-1-84, Renumbered from 735-41-020; MV 9-1984, f. 6-29-84, ef. 7-1-84; Administrative Renumber-

ing 3-1988, Renumbered from 735-032-0030; MV 44-1989, f. & cert. ef. 10-16-89; DMV 16-1998, f. 12-17-98 cert. ef. 1-1-99

**735-010-0030**

**Types of Driver Records Available and Their Fees**

(1) The types of driver records available and the fees for these records are:

(a) *Abstract of Employment Driving Record* — A computer-produced certified record that has certain entries of a person’s employment driving record required by ORS 802.200 and 802.220. These entries include employment-related accidents, suspensions and convictions for violation of motor vehicle laws, as set forth in ORS 802.200(10). The record includes entries for the last three years immediately preceding the request. Miscellaneous administrative entries also may be included as determined by the department. Convictions for offenses resulting in mandatory revocation or suspension under ORS 803.410 and 813.400 are excluded from this record as required by ORS 802.200:

- (A) The fee for a certified employment driving record ordered by mail or through DMV’s Automated Voice Exchange (D.A.V.E.) is \$2;
- (B) Employment driving records provided on magnetic tape are \$2 for each record and will not be certified; and
- (C) There is a \$1.50 search fee if the employment driving record ordered cannot be found in the department’s computer file.

(b) *Abstract of Nonemployment Driving Record* — A computer-produced certified record containing certain entries of a person’s nonemployment driving record required or allowed by ORS 802.200 and 802.220. These entries include motor vehicle accidents, suspensions, revocations, or cancellations of driving privileges, convictions for violation of motor vehicle laws, other than those included in the employment driving record and DUII diversion agreements. For convictions for violation of the basic rule, the rural interstate maximum speed limit, the federal maximum speed limit and the truck/passenger transport vehicle speed limit, occurring after September 27, 1987, the record includes the speed at which the person was traveling and the designated or posted speed. The record includes entries of accidents, convictions and DUII diversion agreements for the three years immediately preceding the request, but does not include suspensions terminated by notice under ORS 803.220. Miscellaneous administrative entries also may be included as determined by the department:

- (A) The fee for a certified nonemployment driving record ordered by mail or through D.A.V.E. is \$1.50;
- (B) The fee for a nonemployment record provided on magnetic tape is \$1.50 for each record and will not be certified; and
- (C) There is a \$1.50 search fee if the nonemployment driving record ordered cannot be found in the department’s computer file.

(c) *Insurance Abstract of Nonemployment Driving Record* — A computer-produced certified record containing certain entries of a person’s nonemployment driving record as described in subsection (b) of this section, but not limited to three years. This record is available only to an insurer, insurance support organization, or the person to whom the record pertains, who requests the record for the purpose of providing or obtaining an insurance discount under ORS 746.265(3):

- (A) The fee for a certified insurance abstract of nonemployment driving record ordered by mail is \$1.50;
- (B) The fee for an insurance abstract of nonemployment driving record provided on magnetic tape is \$1.50 for each record and will not be certified; and
- (C) There is a \$1.50 search fee if the insurance abstract of nonemployment driving record ordered cannot be found in the department’s computer file.

(d) *Driver License Information* — Includes driver’s name, address, license number, license type, license expiration date, license restrictions, license issue date, original business date, status of license, and (if applicable) ID card expiration date. Driver license information may be provided orally or by computer-produced certified print:

- (A) Driver license information on a person’s own record or information on another person’s record will be provided by computer-produced certified print or provided orally by an operator to an account user, for a fee of \$1.50. There is a \$1.50 search fee if the driver license information cannot be found in the department’s computer file; and
- (B) The fee for driver license information provided orally by D.A.V.E. is \$1.20. When D.A.V.E. is used and the driver information

cannot be found in the department’s computer file, a \$1.20 search fee will be charged.

(e) *Oregon Police Traffic Crash Report* — A copy of the Oregon Police Traffic Crash Report, Form 735-46, that has been filed with DMV. The fee for an Oregon Police Traffic Crash Report, if not certified is \$8.50, \$9.50 if certified. Bulk requests for all copies of Oregon Police Traffic Crash Reports filed with DMV on a specific day are \$.50 per report, plus postage, and are not available in certified form;

(f) *Driver License/ID Card Application History* — Copies of all original, renewal and duplicate applications for a driver license and/or ID card contained in the department’s records. The fee for a driver license/ID card application history if not certified is \$17.50, \$18.50 if certified;

(g) *Miscellaneous Driver Document Copy* — Copies of any document or transaction dealing with a person’s driving record, driver license, or driving privilege. The fee for a miscellaneous driver document copy if not certified is \$4, \$5 if certified;

(h) *Driver File History* — A computer-produced print containing all entries shown on the computer file for a driver, except those entries exempted under ORS 192.501 and 192.502 (e.g., medical information). The fee for a driver file history is \$2. There is a \$1.50 search fee if the driver’s file cannot be found in the department’s computer file;

(i) *Certified Court Print* — A computer-produced driving record of a person including convictions for major traffic offenses, DUII diversion agreements and any alcohol rehabilitation entries for the last ten years; and convictions for minor traffic offenses and motor vehicle accidents for the last five years. Suspensions, cancellations and revocations are also included, along with miscellaneous administrative entries:

- (A) The fee for a certified court print ordered by mail, through D.A.V.E. or through A.R.S. is \$3;
- (B) Court prints provided on magnetic tape are \$3 for each record and will not be certified; and
- (C) There is a \$1.50 search fee if the driving record ordered cannot be found in the department’s computer file.

(j) *Suspension Package* — Includes a certified court print and certified copies of any of the following documents needed for a particular court proceeding: suspension, revocation or cancellation order; returned envelopes, signed receipts, or affidavits showing whether the person received notice of the suspension, revocation or cancellation; hardship permit applications; license restrictions, or any letter sent to the person by first class mail informing the person of a suspension, revocation or cancellation. The fee for a suspension package is \$11.50. There is a \$1.50 search fee if the driving record ordered cannot be found in the department’s computer file;

(k) *Driver Records List* — A records list of drivers’ names, addresses and other record information meeting some specific criteria set by the requester, such as a list of all names and addresses of drivers of a specific age group. Records lists are available upon request if available selection criteria are used. The requester shall describe how the records list will be used. If the purpose of the records list is for bulk distribution as defined in OAR 735-010-0008, the records list shall only include individuals who have requested their names and addresses be provided on such lists. The driver records list is furnished on paper or on magnetic tape provided by the requester. The fee for a driver records list using available criteria is \$700. If the records list is furnished on paper, no more than 50,000 records shall be provided. Records lists that require additional programming will not be provided unless other DMV priority demands on available data processing resources have been met. The fee for a driver records list that requires additional programming will be determined by the actual cost to produce the list using the criteria set forth in OAR 735-010-0000;

(l) *Driving Record — Purged Information* — Copies of microfiche containing entries of a person’s driving record purged from the department’s computer file. The fee for a driver record-purged information if not certified is \$1.50, and \$2.50 if certified;

(m) *Insurance Information Search* — A search of the records to identify the insurance company and policy number for a vehicle or individual. This information may be provided orally or by letter. The fee for an insurance information search is \$10; and

(n) *Automated Reporting Service (A.R.S.)* — Involves adding or deleting an individual from the Automated Reporting Service. When a person requests an individual be added to the A.R.S., a certified court print is automatically sent to the requester when certain convictions

for violation of motor vehicle laws, accidents, suspensions, revocations or cancellations are posted to that individual's driving record. The requester must have a current Record Inquiry Account with DMV before he or she can use the A.R.S. The requester must pay a fee of \$2 for each individual DMV adds to or deletes from the A.R.S. There is no fee if the requester uses DMV's online A.R.S. option to add or delete an individual. The requester must pay the fee set forth in paragraph (1)(i)(A) of this rule for each certified court print sent by DMV.

(2) Persons who want to look at a record using a video terminal at a DMV office shall pay the same fee charged for the record look-ups, unless otherwise specified by rule. The person must qualify to obtain personal information from motor vehicle records and must make an appointment with the DMV Records Services Unit at 1905 Lana Avenue, N.E., Salem, Oregon 97314 to view a record.

(3) Personal information shall not be included in any driver record requested unless the requester qualifies to receive such information under ORS 802.175 to 802.191 and OAR 735-010-0200 to 735-010-0230.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179, 802.183, 802.220 & 802.230  
 Stats. Implemented: ORS 746.265 & 802.220  
 Hist.: MV 10-1984, f. 6-29-84, ef. 7-1-84; MV 8-1985, f. & ef. 8-1-85; MV 20-1987, f. 9-21-87, ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-032-0035; MV 44-1989, f. & cert. ef. 10-16-89; MV 15-1990, f. 8-30-90, cert. ef. 9-1-90; MV 12-1992, f. & cert. ef. 10-16-92; DMV 16-1998, f. 12-17-98, cert. ef. 1-1-99; DMV 20-2001, f. & cert. ef. 10-18-01; DMV 1-2002, f. & cert. ef. 1-17-02; DMV 5-2005, f. & cert. ef. 2-16-05

**735-010-0040**

**Types of Vehicle Records Available and Their Fees**

(1) The types of vehicle records available and the fees for these records are:

(a) Vehicle Record — Includes vehicle description, registered owner, security interest holders, lessors and other related information. Vehicle record information may be provided orally or by computer-produced certified print:

(A) The fee for a certified vehicle record ordered by mail or through DMV's Automated Voice Exchange (D.A.V.E.) is \$4. There is a \$2.50 search fee if the vehicle record ordered cannot be found in the department's computer file;

(B) The fee for vehicle record information provided orally by an operator to an account user is \$2.50. There is a \$2.50 search fee if the vehicle record ordered cannot be found in the department's computer file; and

(C) The fee for vehicle record information provided orally through D.A.V.E. is \$2.00. When D.A.V.E. is used and the vehicle record ordered cannot be found in the department's computer file, a \$2 search fee will be charged.

(b) Vehicle Title History — Copies of all title transactions to the extent DMV has kept such records. Current owner information will be provided by computer print at no extra charge. The fee for a vehicle title history if not certified is \$22.50, \$23.50 if certified;

(c) Previous Owner Information — Copies of the last title transaction showing prior owner and a computer print with the current owner information. The fee for previous owner information if not certified is \$14, \$15 if certified;

(d) Insurance Information Search — A search of the records to identify the insurance company and policy number provided to DMV for a vehicle or individual. This information may be provided orally or by letter. The fee for an insurance information search is \$10;

(e) Miscellaneous Vehicle Document — Copies of any transaction dealing with motor vehicle business. The fee for a miscellaneous vehicle document if not certified is \$4, \$5 if certified;

(f) Meter Skip — A computer-produced print indicating vehicle description, registered owner name, address, expiration date and title date. No security interest holder information is given. A request for this information must specify "Meter Skip" or it will be assumed security interest holder information is needed, and the requester will be charged for a complete vehicle record or vehicle title history. Requests must be submitted in writing and in all cases the vehicle registration plate number must be provided. The fee for a meter skip is \$1.50;

(g) Automated Meter Skips — Includes vehicle description, registered owner name, address, expiration date and title date. No security interest holder information is given. Requests for automated meter skips must be made on magnetic tape furnished by the person requesting the information. The information may be provided on magnetic

tape furnished by the requester, or on paper. The fee for an automated meter skip is \$.02 (\$20 per thousand);

(h) Vehicle Records List — A records list of vehicle records meeting some specific criteria set by the requester, such as a list of all vehicle records of a particular year or make. Records lists are produced upon request if available selection criteria are used. The requester shall describe how the records list will be used. If the purpose of the records list is for bulk distribution as defined in OAR 735-010-0008, the records list shall only include individuals who have requested their names and addresses be provided on such lists. The vehicle records list is furnished on paper or on magnetic tape provided by the requester. The fee for a vehicle records list using available criteria is \$700. If the records list is furnished on paper, no more than 50,000 records shall be provided. Records lists that require additional programming will not be provided unless other DMV priority demands on available data processing resources have been met. The fee for a vehicle records list that requires additional programming will be determined by the actual cost to produce the list using the criteria set forth in OAR 735-010-0000;

(i) Odometer Information Search — Includes a search of the department's records for the most recent odometer reading provided to the DMV for a given vehicle. This information may be provided orally, by computer certified print, or copies of documents in the department's files. The fee for an odometer information search is \$2, \$3 if the document copies are certified. The \$2 fee will be required whether or not the record contains an odometer reading;

(j) Previous Odometer Reading Search — Includes a search of the department's records for the most recent odometer reading supplied to DMV, and the one just previous to it for a given vehicle. Copies of the documents reflecting the readings will be provided. The fee for a previous odometer reading search if not certified is \$3.50, \$4.50 if certified. The \$3.50 fee will be required regardless of whether previous records contain odometer information; and

(k) Odometer History Search — Includes a search of the vehicle records for all odometer readings provided to DMV on or after January 1, 1986, for a given vehicle. Copies of all previous odometer readings will be provided. The fee for an odometer history search if not certified is \$25, \$26 if certified. A \$25 fee will be required regardless of whether any odometer readings are found.

(2) Persons who want to look at a record using a video terminal at a DMV office shall pay the same fee charged for other record look-ups, unless otherwise specified by rule. The person must qualify to obtain personal information from motor vehicle records and must make an appointment with the DMV Records Services Unit at 1905 Lana Avenue, N.E., Salem, Oregon 97314 to view the record.

(3) Personal information shall not be included in any motor vehicle record requested unless the requester qualifies to receive such information under ORS 802.175 to 802.191 and OAR 735-010-0200 to 735-010-0230.

Stat. Auth.: ORS 184.616, 814.619, 192.440, 802.179, 802.183, 802.220 & 802.230  
 Stats. Implemented: ORS 802.177, 802.179, 802.200, 802.220 & 802.230  
 Hist.: MV 10-1984, f. 6-29-84, ef. 7-1-84; MV 9-1985, f. & ef. 8-1-85; MV 5-1986, f. & ef. 3-3-86; MV 20-1987, f. 9-21-87, ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-032-0040; MV 44-1989, f. & cert. ef. 10-16-89; MV15-1990, f. 8-30-90, cert. ef. 9-1-90; MV 12-1992, f. & cert. ef. 10-16-92; DMV 16-1998, f. 12-17-98, cert. ef. 1-1-99; DMV 20-2001, f. & cert. ef. 10-18-01

**735-010-0045**

**Other Department Records and Their Fees**

(1) Other records available and the fees for the records are:

(a) Driving Under the Influence of Intoxicants Convictions and Alcohol Diversion Enrollment List (DUII and Diversion Lists) — A list of persons who have been convicted of driving under the influence of intoxicants or have enrolled in an alcohol diversion program. The list includes the name, address if known, date of birth, arrest date, conviction or enrollment date, the court type and location and the zip code, if available. The list is available weekly at a fee of \$7.50 per list.

(b) Duplicate Photo Image — A copy of a duplicate image of a driver license or identification card photograph is available exclusively to law enforcement officials at a fee of \$6.50 per photograph.

(c) Hearing Tapes — Upon request, a copy of the tape recording of a hearing will be provided to qualified requestors. The request must be in writing and accompanied by a fee of \$6 per tape.

(2) Personal information shall not be included in any motor vehicle record requested unless the requester qualifies to receive such

information under ORS 802.175 to 802.179 and OAR 735-010-0200 to 735-010-0230.

(3) Requests for information where a fee is not specified in rule or law shall be charged actual cost only, using the criteria set forth in OAR 735-010-0000.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179, 802.183, 802.220 & 802.230  
 Stats. Implemented: ORS 802.177, 802.179, 802.200, 802.220 & 802.230  
 Hist.: DMV 16-1998, f. 12-17-98, cert. ef. 1-1-99; DMV 21-2002, f. & cert. ef. 11-18-02; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05

**735-010-0055**

**Definition of Law Enforcement Official**

For purposes of ORS 807.115, “law enforcement official” means:

- (1) An Oregon peace officer;
- (2) A person granted the statutory authority of an Oregon peace officer;
- (3) An employee of a law enforcement agency of another state, sovereign nation, or the federal government who exercises the equivalent authority as an Oregon peace officer; or
- (4) Any federal or state official who oversees criminal investigations, including the Oregon Attorney General, the Oregon Governor, the United States Attorney General, or a district attorney of the State of Oregon.

Stat. Auth.: ORS 184.616, 184.619 & 192.440  
 Stat. Implemented: ORS 807.115  
 Hist.: DMV 9-2001, f. & cert. ef. 5-14-01

**735-010-0070**

**Submission of Change of Address and Update of DMV Records**

(1) DMV maintains a customer database that contains information on all DMV customers. A single notice of address change will be sufficient for a customer to comply with ORS 807.560 (address changes related to driver licensing), ORS 803.220 (address changes related to titling and registering vehicles) and ORS 807.420 (address changes related to identification cards), as long as DMV is provided with sufficient information to identify the customer.

- (2) DMV will accept a notice of a change of address:
  - (a) In writing by mail, facsimile or at a drop box in a DMV field office, in the form of a Change of Address Notice for DMV Records (DMV Form 735-6438) or any other written form;
  - (b) Electronically as set forth in OAR 735-018-0100; or
  - (c) In person at a DMV field office.
- (3) DMV may accept an address change by telephone.

Stat. Auth.: ORS 184.616, 184.619, 803.220, 807.420 & 807.560  
 Stats. Implemented: ORS 803.220, 807.420 & 807.560  
 Hist.: DMV 1-1995, f. & cert. ef. 1-23-95; DMV 24-2003, f. 12-15-03 cert. ef. 1-1-04

**Name and Address Requirements on DMV Records**

**735-010-0100**

**Purpose**

An applicant for a driver license, driver permit or vehicle registration is required by ORS 803.370 and 807.050 to provide true name and actual residence address to DMV. DMV has the authority to accept something other than an actual residence or post office address, if the applicant does not have one. This may occur if, for example, the applicant is homeless or travels continuously. The purpose of OAR 735-010-0110 through 735-010-0170 is to:

- (1) Specify how a customer establishes or changes a name;
- (2) Establish a consistent means for determining true name for individuals and business name on existing DMV records;
- (3) Define the different types of addresses and establish when DMV will require or accept each type of address; and
- (4) Establish how the name and address information on the customer record will be used in corresponding with customers.

Stat. Auth.: ORS 184.616, 184.619, 803.370 & 807.050  
 Stats. Implemented: ORS 802.200, 802.250, 802.260, 803.220, 803.370, 807.050, 807.420, 807.560 & 821.080  
 Hist.: DMV 6-1999, f. & cert. ef. 12-17-99

**735-010-0110**

**Customer Record for Persons**

(1) DMV shall maintain, as part of a customer record, information identifying a person including, but not limited to, the name, residence address and customer number. DMV shall maintain only one customer record per person, except as provided in this section. DMV

may have more than one customer record for an individual, if, for example:

(a) Information the applicant provided when conducting business with DMV is insufficient to either locate an existing customer record for that individual or confirm the applicant is the same individual covered by an existing customer record; or

(b) Vehicle records existing prior to DMV’s establishment of customer records contain insufficient information to connect that vehicle record to an individual’s driving record or driver license, driver permit or identification card record.

(2) If an individual has no existing customer record or DMV is unable to locate a customer record, DMV shall create a customer record and shall assign the individual a customer number when he or she conducts business with DMV or when Oregon law requires the Department of Transportation to maintain a record. If the individual has been issued an Oregon driver license, driver permit or identification card, DMV shall use the number assigned to that document as the customer number.

Stat. Auth.: ORS 184.616 & 184.619  
 Stats. Implemented: ORS 802.200, 802.260, 803.220, 803.370, 807.050, 807.420, 807.560 & 821.080  
 Hist.: DMV 6-1999, f. & cert. ef. 12-17-99

**735-010-0120**

**Customer Record for Business Entities**

(1) DMV shall maintain, as part of a customer record, information relating to a business entity which includes, but is not limited to, the business name, business address and customer number. If a business entity transacts business with DMV using more than one business name as provided in OAR 735-010-0140, DMV shall establish a separate customer record and assign a customer number for each business name.

(2) DMV shall create a customer record and shall assign a customer number to each business entity conducting business with DMV or where Oregon law requires the Department of Transportation to maintain a record.

Stat. Auth.: ORS 184.616 & 184.619  
 Stats. Implemented: ORS 802.200, 802.260, 803.220, 803.370, 807.050, 807.420, 807.560 & 821.080  
 Hist.: DMV 6-1999, f. & cert. ef. 12-17-99

**735-010-0130**

**Establishment and Use of True Name by an Individual**

All of the following apply to establishment and use of a true name by an individual:

(1) An applicant for an Oregon driver license, driver permit or identification card, shall establish his or her true name as supported by age and identity documents required under OAR 735-062-0020.

(2) When conducting any business with DMV, including but not limited to obtaining driving privileges, an identification card, vehicle title and vehicle registration, an individual shall use only his/her true name.

(3) If an individual has not established a true name as provided in section (1) of this rule, DMV will use the name on his or her customer record as his or her name for vehicle title and registration purposes. An individual who is shown on any application for title as provided in ORS 803.050, any application for salvage title as provided under ORS 803.140 or any transitional ownership record as defined in ORS 801.562, shall use his/her true name.

(4) An individual shall use the same name in conducting all business with DMV. The individual must also provide the DMV-assigned customer number shown on the driver license, driver permit or identification card, if known.

(5) An individual’s true name shall not include a title or honorific such as, but not limited to, Mr., Mrs., Reverend or Doctor.

Stat. Auth.: ORS 184.616 & 184.619  
 Stats. Implemented: ORS 801.562, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.420, 807.560, 809.060 & 821.080  
 Hist.: DMV 6-1999, f. & cert. ef. 12-17-99

**735-010-0140**

**Establishment, Use and Change of a Name by a Business**

(1) When conducting any business with DMV, a business entity shall use only one business name, including use of the same name for different locations, branches or divisions. Nothing in this section shall preclude the use of different names for portions of a business entity that conducts business under separate business names (e.g. a parent

company and subsidiary companies). Examples of a business name include, but shall not be limited to:

(a) The name of a corporation or an abbreviation or acronym on file with the Secretary of State; or

(b) The name of an agency established by law, which includes government agencies.

(2) A business entity may provide, if known, the DMV-assigned customer number in all business it conducts with DMV.

(3) If the name of a business entity that is exempt from ORS 803.220 changes, the business entity may provide DMV with the following information:

(a) The old and new name of the business whose name has changed; and

(b) Any DMV-assigned customer numbers to which the name change applies.

(4) This rule does not apply to those vehicles registered under ORS 805.060.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 801.562, 803.015, 803.050, 803.140, 803.220, 803.370, 807.050, 807.420, 807.560 & 821.080

Hist.: DMV 6-1999, f. & cert. ef. 12-17-99

### 735-010-0150

#### Address Requirements for Individuals

(1) An individual conducting business with DMV, as defined in OAR 735-010-0008, shall provide and maintain current address information as established by statute and this rule.

(2) An individual shall provide DMV with a residence address as defined in OAR 735-010-0008, unless:

(a) The individual is exempt from providing a residence address as provided in ORS 802.250, and instead provides an employment address;

(b) The individual is a household member with an eligible party who provides an employment address under ORS 802.250; or

(c) The individual does not have an actual residence address.

(3) A residence address shall include sufficient information for DMV to determine the exact location of the individual's residence. In addition to the name of the city, county and state, a residence address shall include:

(a) The street and residence number, including an apartment or space number, if applicable, and the zip code; or

(b) The rural route and box number and zip code.

(4) An individual shall also provide DMV with a vehicle address for any vehicle primarily housed or dispatched from a location other than the residence address provided.

(5) A vehicle address shall contain sufficient information to determine the exact location from which the vehicle is dispatched or where it is housed. In addition to the city, county and state, a vehicle address shall include:

(a) The street name and number, the apartment, suite or office number, if applicable, and the zip code; or

(b) The rural route and box number and zip code.

(6) An employment address shall be the address as defined in OAR 735-010-0008. An employment address shall include sufficient information for DMV to determine the exact location of the public agency. In addition to the name of the city, county and state, the employment address shall include:

(a) The street name and number, including any applicable suite or office number and the zip code, or;

(b) The rural route and box number and zip code.

(7) An individual who does not have an actual residence address shall:

(a) Satisfy DMV that he or she is a resident of or domiciled in Oregon as provided in OAR 735-016-0030 and 735-016-0040; and

(b) Provide DMV with a descriptive address as defined in OAR 735-010-0008 and a mailing address.

(8) A descriptive address may include, but may not be limited to:

(a) The road name and distance from or direction from a landmark such as a milepost or prominent building, in addition to the city, state, county and zip code, if there is no specific street address;

(b) The address of a homeless shelter or reference to another location where the individual stays overnight, if the individual is homeless, but residing in Oregon; or

(c) Information that the person is mobile, such as someone who continually travels in a motor home.

(d) A descriptive address shall not be that of a service provider, except for purposes of registering a vehicle or obtaining a driver license, drive permit or identification card owned by the service provider.

(9) An individual may provide a mailing address in addition to any required residence or vehicle address.

(10) An individual shall provide the county of use for any vehicle that is primarily used in a county other than the county of the residence or vehicle address.

(11) A change of address, as described in OAR 735-010-0070, shall be made to a customer record when written notice is provided to DMV or given verbally in person at a DMV office by the individual with the address change. If the change of address is to an employment address:

(a) The request must be submitted on DMV Form 735-6438A by the individual requesting use of an employment address; and

(b) When DMV receives notification from the public agency that the individual is no longer employed by that public agency, DMV will not change the address from the public agency address, until the notice of change of address required by ORS 802.250 or another request described in subsection (a) of this section is received.

Stat. Auth.: ORS 184.616, 184.619, 803.370 & 807.050

Stats. Implemented: ORS 802.250, 802.260, 803.220, 803.370, 807.050, 807.420, 807.560 & 821.080

Hist.: DMV 6-1999, f. & cert. ef. 12-17-99

### 735-010-0160

#### Address Requirements for Businesses

(1) A business entity, when conducting business with DMV as defined in OAR 735-010-0008, shall provide and maintain current address information as established by this rule.

(2) A business entity shall provide DMV with a business address as defined in OAR 735-010-0008, unless the vehicle is registered under ORS 805.060 or the business entity is the security interest holder or lessor of the vehicle.

(3) A business address, as defined in OAR 735-010-0008, shall include sufficient information for DMV to determine the exact physical location of the business. In addition to the name of the city, county and state, the business address shall include:

(a) The street name and number, and any applicable apartment, suite or office number, and the zip code;

(b) The rural route and box number, and zip code; or

(c) A post office address of the business, as long as a vehicle address is also provided when the business entity is shown as the owner on a vehicle registration.

(4) A business address shall not be that of a service provider, except for purposes of registering a vehicle owned by the service provider.

(5) A business entity shall provide DMV with a vehicle address for any vehicle that is primarily housed or dispatched from a location other than the business address provided, or when the business address given is an out-of-state address or post office address.

(6) A vehicle address shall contain sufficient information to determine the exact location from which the vehicle is dispatched or where it is housed. In addition to the city, county and state, a vehicle address shall include:

(a) The street name and number, the apartment, suite or office number, if applicable, and the zip code; or

(b) The rural route and box number, and zip code.

(7) A business may provide a mailing address in addition to any required business or vehicle address.

(8) A business entity shall provide the county of use for any vehicle that is primarily used in a county other than the county of the business or vehicle address.

(9) A change of address, as described in OAR 735-010-0070, shall be made to a customer record when notice is provided to DMV or verbally in person at a DMV office by the business entity with the address change.

Stat. Auth.: ORS 184.616, 184.619, 803.370 & 807.050

Stats. Implemented: ORS 802.260, 803.220, 803.370, 807.050, 807.420, 807.560 & 821.080

Hist.: DMV 6-1999, f. & cert. ef. 12-17-99

**735-010-0170**

**Vehicle Registration Addresses and County of Use**

In order to clarify how the registration address relates to other requirements of vehicle registration, the following apply:

(1) Unless the owners provide DMV with information indicating differently, when the vehicle title record lists two or more owners with different residence or business addresses, and does not give a vehicle address, DMV shall consider the registration address to be the residence or business address of the first owner listed on the title record.

(2) When a county of use is provided, the registration address as defined in OAR 735-010-0008 shall be used to determine if a vehicle is:

(a) Subject to vehicle pollution control requirements as covered in ORS 803.350, 803.465, and 815.295; or

(b) Subject to any county or district registration fee as provided in ORS 801.040.

Stat. Auth.: ORS 184.616, 184.619 & 803.370  
 Stats. Implemented: ORS 801.040(6) & (7), 803.350, 803.465 & 815.295  
 Hist.: DMV 6-1999, f. & cert. ef. 12-17-99

**Requests for Personal Information**

**735-010-0200**

**General Qualifications for Obtaining Personal Information**

(1) A person may qualify to receive personal information from a motor vehicle record under more than one subsection of ORS 802.179.

(2) Personal information obtained under any subsection of ORS 802.179 shall only be used for the purpose authorized in the specific statutory subsection(s) under which the personal information was obtained and if applicable, shall only be used for the purpose authorized by administrative rule.

(3) Only personal information contained in a records list, obtained under ORS 802.179(11), shall be used for bulk distribution purposes.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179 & 802.183  
 Stats. Implemented: ORS 802.175 - 802.179  
 Hist.: DMV 15-1998, f. 11-17-98, cert. ef. 12-1-98

**735-010-0210**

**Requests for Personal Information by a Legitimate Business**

(1) In order for DMV to make a determination of whether a business is legitimate under ORS 802.179(3), the business must provide evidence to DMV's satisfaction which includes:

(a) One of the following:

(A) A current and valid business, professional, occupational or commercial license issued by a governmental body that regulates that type of business, profession, trade or commercial activity;

(B) A Certificate of Existence or Authorization issued by the Secretary of State under ORS 60.027, 62.065, 63.027, or 65.027;

(C) A current copy of the Articles of Incorporation or Articles of Organization, including proof that they have been filed with the Secretary of State, or if a foreign corporation or foreign limited liability company, proof that it has been authorized by the Secretary of State to transact business in Oregon or that it has been formed in accordance with the laws of the jurisdiction in which it is incorporated or organized;

(D) A current copy of the business Partnership Agreement;

(E) A copy of the business income tax form filed for the latest tax period for which filing was required;

(F) A certification from the Office of Minority, Women and Emerging Small Businesses or similar governmental organization; or

(b) At least two of the following:

(A) A business invoice issued by the business within the last three months showing the sale of a product or service the business provides;

(B) A current business card;

(C) A resume of work completed or products sold within the last three months, with names and phone numbers of customers who may be contacted for verification;

(D) A copy of a signed contract for work performed within the last six months;

(E) A copy of a current rental, lease or purchase agreement for the business premises, or proof of ownership of the business premises;

(F) A copy of a current rental or lease agreement for business equipment or a receipt or purchase agreement showing the purchase

of business equipment. "Business equipment" means equipment necessary for the business to manufacture or provide a product or deliver a service and includes such things as a computer, photocopier, business vehicle, cash register, etc;

(G) A copy of a business related loan agreement;

(H) A copy of or reference to a current business advertisement, including but not limited to the yellow pages, newspaper, television or other media of general circulation. If from a reference DMV is unable to verify the advertisement, documentation of the advertisement may be required.

(2) Personal information obtained from DMV by a legitimate business may be used for the purposes specified in ORS 802.179(3).

(3) Only an individual who is an employee or owner of the business may obtain personal information from DMV. No other business or individual may act as a third party to obtain personal information on behalf of a legitimate business.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179 & 802.183  
 Stats. Implemented: ORS 802.179  
 Hist.: DMV 15-1998, f. 11-17-98, cert. ef. 12-1-98; DMV 29-2005, f. 12-14-05, cert. ef. 1-1-06

**735-010-0215**

**Determination that a Person is a Disseminator**

(1) In order for DMV to determine if a person is in the business of disseminating information, the person must provide the following:

(a) Sufficient evidence that the person is a legitimate business as set forth in OAR 735-010-0210(1);

(b) A description of the business;

(c) A description of the method used to ensure that personal information will be resold or redisclosed only to qualified persons or entities who are authorized by DMV to receive personal information;

(d) A copy of or reference to a current business advertisement, including but not limited to the yellow pages, newspaper, television, internet or other media of general circulation. If from a reference DMV is unable to verify the advertisement, documentation of the advertisement may be required; and

(e) Names and phone numbers of customers who may be contacted for verification.

(2) DMV may periodically require a disseminator to update the information described in section (1) of this rule and may use the information to monitor the disseminator's compliance with the requirements for the resale and redisclosure of personal information.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 192.440, 802.179 & 802.183  
 Stats. Implemented: ORS 802.179  
 Hist.: DMV 29-2005, f. 12-14-05, cert. ef. 1-1-06

**735-010-0220**

**Requests for Personal Information Resulting from the Unsafe Operation of a Motor Vehicle**

(1) To qualify to receive personal information under ORS 802.179(17), a person must submit a copy of one of the following reports, or if the person does not have a copy, information that enables DMV to locate such report if it has been filed with DMV. The report must contain information showing that the person was physically injured or that property they own was damaged as the result of the unsafe operation of a vehicle":

(a) A police crash report;

(b) A police incident report; or

(c) An Oregon Traffic Accident and Insurance Report filed with DMV under ORS 811.720.

(2) Except as otherwise provided by rule or law, a person who qualifies for personal information under section (1) of this rule shall be eligible to obtain:

(a) Personal information about any owner, driver or occupant of a vehicle involved in the unsafe operation and identified from the police crash report, the police incident report or the Oregon Traffic Accident and Insurance Report provided to DMV; and

(b) Personal information about any witness to the unsafe operation listed on the police crash report, the police incident report or the Oregon Traffic Accident and Insurance Report provided to DMV.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179 & 802.183  
 Stats. Implemented: ORS 802.179  
 Hist.: DMV 15-1998, f. 11-17-98, cert. ef. 12-1-98; DMV 10-2000, f. & cert. ef. 9-21-00

**735-010-0230**

**Request for Personal Information by a Person with Financial Interest in a Vehicle**

(1) This rule provides for release of personal information from DMV motor vehicle records to a person who has a financial interest in a vehicle, as authorized by ORS 802.179(16). Personal information shall only be released by DMV, to a person with a financial interest in a vehicle under ORS 802.179(16), for use in titling and registration of the vehicle.

(2) Except as otherwise provided in this rule, to have a financial interest in a vehicle a person must:

- (a) Hold an interest in a vehicle that is reflected on the current title or salvage title;
- (b) Be the owner of a vehicle as defined in ORS 801.375(1). An owner also includes a person who has acquired an ownership interest, but is not shown on the current title because the title has not been issued showing current ownership;
- (c) Be the lessee of the vehicle under a lease agreement;
- (d) Be the lessor of the vehicle under a lease agreement;
- (e) Be a person entitled to the possession and use of the vehicle under a security agreement;
- (f) Have a security interest in the vehicle; or
- (g) Be a vehicle dealer who has acquired an ownership interest of the type described in subsection (2)(b) of this rule but is exempt from obtaining a title reflecting such interest under ORS 803.105.

(3) A person must submit documentation or information sufficient for DMV to verify their financial interest in the vehicle. Except as otherwise provided in this rule, such information or documentation includes:

- (a) The current title or salvage title or the title or salvage title record of this state or of the jurisdiction in which the vehicle is titled. If registered in a state which does not issue title, the current registration document;
- (b) An application for Oregon title or salvage title that is submitted or presented to DMV, that reflects the ownership interest and is supported by a primary ownership document(s) or other documentary evidence of ownership, as described in OAR 735-020-0010; or
- (c) A verification from another jurisdiction that an application for title or a salvage title has been submitted that reflects that person's ownership interest;
- (d) A notice of transfer of a vehicle to a vehicle dealer submitted to DMV under the provisions of ORS 803.105, or verification from another jurisdiction that such notice has been filed with that jurisdiction under similar provisions.
- (4) DMV may consider other information or documents as verification of a financial interest if the document(s) covered in section (3) of this rule are not available and where the person can otherwise show they have acquired an ownership interest in the vehicle. Other information or documents that may be considered include, but are not limited to:
  - (a) A bill of sale signed by the owner(s) of record. "Owner of record" means the person(s) shown as the current owner in the vehicle records of the department;
  - (b) A security or purchase agreement for the vehicle;
  - (c) A canceled check used to purchase the vehicle;
  - (d) A completed and notarized affidavit to establish financial interest in a vehicle, DMV Form 7116(A); or
  - (e) A transitional ownership document submitted to DMV and which is not invalidated or rejected.
- (5) Information or documents used for verification of a financial interest in a vehicle for the purpose of this rule shall:
  - (a) Indicate who has an interest in the vehicle. Information shall be sufficient for DMV to determine that the interest is of a type that would qualify as a financial interest as covered in section (2) of this rule; and
  - (b) Include a description of the vehicle sufficient to identify the vehicle in which the person has an interest.

(6) DMV may rely on the following to determine if personal information will be provided to a person who has a financial interest:

- (a) Information or documents in DMV's possession;

(b) Information or documents available to DMV from other sources; or

(c) Information or documents requested by DMV, from the person to whom the personal information is to be released.

(7) Except as otherwise provided in this rule, the information or a document(s) required to verify a financial interest shall be submitted to DMV or presented to DMV for review and DMV must be satisfied as to the validity of the information or document(s).

[ED. NOTE: Forms referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.179 & 802.183  
Stats. Implemented: ORS 802.179  
Hist.: DMV 15-1998, f. 11-17-98, cert. ef. 12-1-98; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05

**735-010-0240**

**Authorization by DMV to Resell or Rediscover Personal Information**

(1) A person or government agency authorized under ORS 802.179 to receive personal information from motor vehicle records may only resell or rediscover personal information to a person or government agency authorized by DMV to receive the information. To be authorized by DMV, a person must provide evidence to DMV sufficient to establish that the person is qualified to obtain personal information under ORS 802.179.

(2) A government agency that uses personal information for a governmental purpose is authorized by DMV and does not need to establish that it is qualified to obtain personal information.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 192.440, 802.179 & 802.183  
Stats. Implemented: ORS 802.179  
Hist.: DMV 29-2005, f. 12-14-05, cert. ef. 1-1-06

**DIVISION 12**

**DMV PUBLICATIONS**

**735-012-0000**

**Fees Charged for the DMV Administrative Rules Handbook and the Oregon Vehicle Code**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) publishes the **DMV Administrative Rules Handbook** containing a compilation of chapter 735 administrative rules and the **Oregon Vehicle Code**, a biennial publication containing a compilation of Oregon motor vehicle laws. These publications are available to any person or organization for a fee that covers DMV's actual costs.

(2) The fee for a DMV Administrative Rules Handbook is \$16.

(3) The DMV Administrative Rules Handbook is updated periodically when chapter 735 rules are adopted, amended or repealed:

- (a) In order to receive the updates, a person who purchases a DMV Administrative Rules Handbook shall pay a fee of \$12 per year. This fee covers the cost to reproduce and mail the updates;
- (b) The purchaser's name shall be added to the mailing list to receive updates for one calendar year beginning January 1 and ending December 31, when the fee is received;
- (c) The \$12 fee shall be received by DMV before any updates for a calendar year are mailed;
- (d) Updates for the calendar year in which the DMV Administrative Rules Handbook is originally purchased shall be included in the purchase price of the book.
- (4) The actual cost to provide the DMV Administrative Rules Handbook is calculated from:
  - (a) The cost to print the handbook; and
  - (b) The cost to mail the handbook.
- (5) The fee for an Oregon Vehicle Code is \$5.
- (6) The actual cost to provide the Oregon Vehicle Code is calculated from:
  - (a) The cost to publish the code book; and
  - (b) The cost to mail the code book.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 183.370, 192.440, 802.010 & 802.050  
Stats. Implemented: ORS 183.370 & 802.050  
Hist.: MV 16-1985, f. 12-19-85, ef. 1-1-86; Administrative Renumbering 3-1988, Renumbered from 735-032-0045; MV 9-1988, f. & cert. ef. 3-2-88; MV 15-1988, f. & cert. ef. 5-18-88; MV 50-1989, f. & cert. ef. 12-1-89; MV 28-1991, f. & cert. ef. 12-16-91; DMV 17-2001, f. & cert. ef. 9-21-01



DIVISION 14

MOTOR VEHICLE ACCIDENT PREVENTION COURSES

735-014-0000

Standards for Approval of Motor Vehicle Accident Prevention Courses

(1) Course Content — The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall approve motor vehicle accident prevention courses for purposes of ORS 802.075 if the course curriculum includes the following:

- (a) Defensive driving techniques;
- (b) Motor vehicle laws; and
- (c) Influence on driving ability of medication, fatigue, alcohol and drug use, visual and auditory limitations, and aging.

(2) How to get approved — A request from an organization for approval of a motor vehicle accident prevention course shall be submitted with a lesson plan that is complete enough for the reader to determine what will be taught. Requests shall be mailed to: Coordinator, Driver Safety Programs, DMV, 1905 Lana Avenue N.E., Salem, Oregon 97314.

(3) The instructor shall prepare completion certificates to be provided to the participants who successfully complete the approved course.

(4) The course shall have no more than 30 students per class and shall provide a minimum of 6 hours instructional time.

(5) The instructor may charge a fee.

(6) Withdrawal — DMV may withdraw approval of the motor vehicle accident prevention course at any time DMV has reason to believe the requirements of the course are not being met.

(7) Approved courses available — A list of approved courses and organizations authorized to present the courses may be requested by writing or calling the Coordinator of Driver Safety Programs at DMV.

Stat. Auth.: ORS 184.616 & 802.075

Stats. Implemented: ORS 802.075

Hist.: MV 54-1989, f. 12-21-89, cert. ef. 1-1-90; DMV 5-1996, f. & cert. ef. 8-15-96

DIVISION 16

RESIDENCY AND DOMICILE REQUIREMENTS

735-016-0010

Purpose

OR 735-016-0010 through 735-016-0080 are adopted to clarify how application of the residency and domicile laws in the Motor Vehicle Code relate to acquisition and maintenance of vehicle registrations, driver licenses, driver permits and identification cards.

Stat. Auth.: ORS 184.616, 184.619, 802.500, 802.520, 803.200, 803.350, 803.355, 803.360, 807.050, 807.062, 821.080 & 826.033

Stats. Implemented: ORS 802.520, 803.200, 803.305, 803.325, 803.350, 803.355, 803.360, 803.370, 807.010, 807.040, 807.045, 807.050, 807.062, 807.400 & 821.080

Hist.: DMV 7-1999, f. & cert. ef. 12-17-99; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02

735-016-0020

Definitions that Apply to Residency and Domicile

For the purposes of OAR 735-016-0010 through 735-016-0080, and ORS Chapters 803, 807 and 826, the following definitions apply:

(1) “Abode,” as used in ORS 803.355, in relation to domicile, means a person’s true and permanent home or place of habitation.

(2) “Business entity” means a corporation, organization, firm, association, partnership, governmental agency, lawful commercial enterprise or other legal entity, other than a person.

(3) “Domicile” is as described in ORS 803.355. Domicile only applies to a person.

(4) “Established place of business” is:

(a) A physical structure in which the official business records of the business entity are kept and which is owned, leased or rented by the business entity or individual business owner;

(b) Designated by a street number or road location;

(c) Open for business during established business hours;

(d) Furnished with a telephone(s) publicly listed in the name of the business or the individual business owner; and

(e) Staffed by one or more persons conducting activities for the business maintaining the facility.

(5) “Gainful employment,” as used in ORS 803.200 and 807.062, means engaging in lawful work for which the person receives a compensation.

(6) “International Registration Plan” (IRP) means the inter-jurisdictional reciprocity agreement to which Oregon is a party, which authorizes apportioned registration of fleets of vehicles and recognition of vehicles apportioned in other jurisdictions.

(7) “Operating motor vehicles in Oregon” means the physical operation of vehicles for business purposes.

(8) “Primary residence” means the state, jurisdiction or physical location where a person lives, during any 12-month period, more than he or she lives elsewhere during that period.

(9) For purposes of title and registration, “private passenger motor vehicle,” as used in ORS 803.200, means a vehicle designed, owned and operated primarily for non-business, private transportation of persons over the highways:

(a) “Private passenger motor vehicles” include privately owned and operated cars and lightweight utility and pickup trucks with combined weights of 8,000 pounds or less; and

(b) “Private passenger motor vehicles” do not include:

(A) Motor homes;

(B) Vehicles with combined weights more than 8,000 pounds; or

(C) Vehicles used for compensation or profit.

(10) “Remaining in Oregon for a consecutive period of six months,” as used in ORS 803.200 and 807.062, means:

(a) During a consecutive six-month period the person has continuously maintained a residence in Oregon and has only been absent from Oregon on trips of limited duration (e.g., vacations, business trips or retreats); or

(b) If the person lives in Oregon and some other jurisdiction, all of the following are true:

(A) At one time the person lived in Oregon for at least six consecutive months;

(B) He or she continuously maintains an Oregon residence; and

(C) Oregon is the person’s primary residence.

Stat. Auth.: ORS 184.616, 184.619, 803.350, 803.370, 807.050, 807.062 & 821.080

Stats. Implemented: ORS 802.500, 802.520, 803.200, 803.300, 803.325, 803.350, 803.355, 803.360, 803.370, 807.010, 807.040, 807.045, 807.050, 807.062, 821.080 & 826.033

Hist.: DMV 7-1999, f. & cert. ef. 12-17-99

735-016-0030

Domicile — Establishing Intent to Remain or Return

(1) In order to be domiciled in Oregon, a person whose place of abode is in Oregon must intend to remain in this state or if absent from the state must intend to return to it.

(2) DMV may require proof that the person intends to remain in Oregon, including but not limited to proof of:

(a) Ownership of the person’s residence in Oregon, or a lease or rental agreement of 12 months or more in duration;

(b) Permanent employment in Oregon;

(c) Payment of Oregon income taxes; or

(d) Payment of residence tuition fees at institutions of higher education in Oregon.

(3) A person who is absent from Oregon but claims to be domiciled in this state may be required to provide DMV proof showing intent to return to Oregon, including but not limited to proof that:

(a) The person has continuously maintained an Oregon residence while absent from Oregon;

(b) The person owns a residence in Oregon;

(c) The person is temporarily residing outside of Oregon for a period of limited duration (e.g., payment of non-resident tuition while attending a school outside of Oregon, temporary transfer of employment to another state or country, temporary care of a family member out of state). The person may be required to show they have maintained ties with Oregon, including but not limited to voter registration or maintenance of an Oregon bank account;

(d) The person is a member of the United States Armed Forces, or the spouse or a dependent child residing with the member, who lists Oregon residence in his or her military records; or

(e) The person pays Oregon income tax.

(4) A person who claims to reside at the address of a service provider in Oregon, as defined in OAR 735-010-0008, for purposes of vehicle registration, driver licensing or obtaining an identification card shall provide proof as described in section (2) or (3) of this rule.

Stat. Auth.: ORS 184.616, 184.619, 803.350, 803.370, 807.050, 807.062 & 821.080  
 Stats. Implemented: ORS 802.500, 802.520, 803.200, 803.300, 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  
 Hist.: DMV 7-1999, f. & cert. ef. 12-17-99; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02

**735-016-0040**

**Application of Domicile and Residency Requirements**

All of the following apply to the application of domicile and residency requirements for eligibility to obtain or requirement for an Oregon vehicle registration, driver license, driver permit or identification card:

(1) A person must be a resident of or domiciled in Oregon, and a business must be a resident of Oregon, to be eligible to register a vehicle in this state, unless otherwise authorized or required by law, including but not limited to:

(a) An interjurisdictional or reciprocal registration agreement;  
 (b) A declaration by the Director of Transportation pursuant to ORS 802.520; or

(c) An out-of-state corporation owning, operating or maintaining a place of business in Oregon with regard to vehicles that are used by the corporation doing business in Oregon. (ORS 803.300)

(2) A person must be a resident of or domiciled in Oregon to be eligible to obtain an Oregon driver license, driver permit or identification card, unless otherwise authorized or required by law.

(3) A person may be an Oregon resident for purposes of both vehicle registration and driver licensing or only for the purpose of vehicle registration.

(4) A person is an Oregon resident for purposes of obtaining an Oregon driver license, driver permit, identification card or vehicle registration if the person has taken action to indicate the acquiring of residence in Oregon by doing any of the following:

(a) Currently residing in Oregon after having remained in Oregon for a consecutive period of six months or more;

(b) Placing children in a public school without payment of non-resident tuition fees;

(c) Making a declaration to be an Oregon resident for the purpose of obtaining, at resident rates, a state license or tuition fees at an educational institution maintained by public funds; or

(d) Being gainfully employed in Oregon and taking any of the steps described above to indicate a residence.

(5) Notwithstanding section (4) of this rule, a person is not an Oregon resident for purposes of this section if:

(a) The person's gainful employment in Oregon is temporary, such as seasonal agricultural work, traveling sales work or a temporary job assignment in Oregon lasting fewer than six months; or

(b) The person is a student at an educational institution maintained by public funds who is paying nonresident tuition.

(6) A person is an Oregon resident only for purposes of registering a vehicle if the person does not meet the criteria in section (4) of this rule but:

(a) Owns a motor vehicle that operates in intrastate transportation for compensation or profit, other than for seasonal agricultural work; or

(b) Is the owner of an unincorporated business that has an established place of business, main office, branch office or warehouse facility in Oregon that operates motor vehicles in Oregon.

(7) A business entity shall be considered a resident for purposes of registering a vehicle(s) owned and operated in Oregon by the business entity for business purposes if it:

(a) Maintains an established place of business, main office, branch office or warehouse facility in Oregon and operates a motor vehicle(s) in Oregon; or

(b) Owns a motor vehicle that operates in Oregon in intrastate transportation for compensation or profit, other than for seasonal agricultural work.

(8) A lessor shall be considered a resident for purposes of registering a vehicle(s) leased in Oregon for a period of 60 or more days and operated in Oregon by the lessor for business purposes if the lessor:

(a) Maintains an established place of business, main office, branch office or warehouse facility in Oregon and operates motor vehicles in Oregon; or

(b) Owns a motor vehicle that operates in Oregon in intrastate transportation for compensation or profit, other than for seasonal agricultural work.

(9) Although not residing in Oregon, a member of the United States Armed Forces, the member's spouse or dependents residing with the member, are eligible to register a vehicle or obtain a driver license, permit or identification card from Oregon, if domiciled in this state. Sufficient proof of domicile includes documentation that the member's state of legal residence, as listed in military records, for purposes of withholding State income taxes from military pay is Oregon.

Stat. Auth.: ORS 184.616, 184.619, 803.350, 803.370, 807.050, 807.062 & 821.080  
 Stats. Implemented: ORS 802.500, 802.520, 803.200, 803.300, 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  
 Hist.: DMV 7-1999, f. & cert. ef. 12-17-99; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02

**735-016-0050**

**Eligibility for Vehicle Registration — Business Use**

(1) In determining eligibility for registration of vehicles owned for business use, the phrase "maintaining a main office, branch office or warehouse facility in Oregon and operating motor vehicles in Oregon," as used in ORS 803.200(1)(d), applies to the following:

(a) A business entity;  
 (b) A person who owns and operates an unincorporated business; and

(c) Lessors of vehicles used for business purposes, leased in Oregon for a period of 60 or more days.

(2) To be eligible to register a vehicle owned for business use, a business entity or person or lessor as described in section (1) of this rule, shall:

(a) Be a resident as described in OAR 735-016-0040;

(b) Show that Oregon is the base jurisdiction for registration under the provisions of the IRP; or

(c) Be an out-of-state corporation owning, operating or maintaining a place of business in Oregon with regard to vehicles used by the corporation doing business in Oregon.

(3) An established place of business does not include the office or facility of a service provider, as defined in OAR 735-010-0008, who on behalf of another, applies for or facilitates registration of a vehicle in Oregon owned by a person or business entity who is not otherwise eligible to register a vehicle in Oregon.

(4) Operating motor vehicles in Oregon includes the following:

(a) Physical operation of a vehicle over Oregon highways;

(b) Housing, dispatching or servicing in Oregon those motor vehicles owned and operated by a business;

(c) Maintaining motor vehicles in Oregon for use by the business' employees in Oregon;

(d) Operating motor vehicles intrastate in Oregon for compensation or profit, other than seasonal agricultural work; and

(e) Lessors of trailers used solely in a pool fleet(s), as defined in the International Registration Plan, who do not otherwise physically operate motor vehicles in Oregon, shall be considered to be operating motor vehicles over the highways of Oregon, if the lessor:

(A) Maintains a main office, branch office, or warehouse facility in Oregon as defined in this rule; and

(B) Actually houses and dispatches or services trailers from a location within Oregon.

(5) Operating motor vehicles in intrastate transportation for compensation or profit, as used in ORS 803.200(1)(e), applies to all of the following:

(a) Transporting persons or property for other than seasonal agricultural purposes where both the origin and destination are within Oregon; and

(b) The persons or property are transported for some form of remuneration, gain or return, or the vehicles are commercial motor vehicles as defined in ORS 801.208.

(6) "Primarily housed and dispatched from" applies to the home base of a vehicle and includes:

(a) The primary location where the vehicle is parked, garaged or returned to when not in use;

(b) A business employee's primary base of operation or employment when he or she has an assigned business vehicle; or

(c) For vehicles housed and dispatched from different locations, the location from which the business most frequently dispatches or houses the vehicles.

Stat. Auth.: ORS 184.616, 184.619 & 803.350  
 Stats. Implemented: ORS 802.500, 802.520, 803.200, 803.300, 803.325, 803.350, 803.355, 803.360 & 803.370  
 Hist.: DMV 7-1999, f. & cert. ef. 12-17-99

**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 Oregon driver license, driver permit or identification card, proof of residency or domicile may be required if:

(a) A person provides information that he or she currently resides somewhere other than Oregon; or

(b) A person has no actual residence address.

(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.

Stat. Auth.: ORS 184.616, 184.619, 803.350, 803.370, 807.050, 807.062 & 821.080  
 Stats. Implemented: 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  
 Hist.: DMV 7-1999, f. & cert. ef. 12-17-99; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02

**735-016-0070**

**Proof of Residency or Domicile**

(1) The following shall be accepted as proof of residency or domicile to obtain or renew a driver license, driver permit, identification card or to register or renew a vehicle in Oregon. This is in addition to proof of residence address requirements as established in OAR 735-002-0030:

(a) A residence address in Oregon where the applicant physically resides which is not a hotel, motel, campground or recreational vehicle park and is not the address of a service provider as defined in OAR 735-010-0008; or

(b) An Oregon Income Tax Return, filed for the previous year. It must include a certification by the applicant that the Oregon Income Tax Return is a true photocopy of the original and that the original has been filed with the State of Oregon, Department of Revenue.

(2) If an individual residing in Oregon is not able to meet the requirements of section (1) of this rule, a certification of residency or domicile for Oregon driver license, driver permit, identification card or vehicle registration, is required, along with two or more forms of proof of the person's residency or domicile. Acceptable proof includes but is not limited to:

(a) A property tax record, utility bills, rent receipts, a lease or rental agreement or other document that shows that the individual resides in Oregon;

(b) Enrollment records or other documentation that the person is attending an educational institution maintained by public funds and pays resident tuition fees;

(c) Motel, hotel, campground or recreational park receipts showing that the person currently resides in Oregon and has remained in Oregon for six consecutive months;

(d) A statement from a relief agency or shelter that the person receives services in Oregon;

(e) Fuel receipts, motel receipts, or other documents showing that the person has lived in multiple states (more than two) during the past 12 months, and in Oregon for at least six of the last 12 months, as evidence that the person who has no residence address, does not primarily reside in some other state;

(f) Documents showing that the person has a current bank account at a bank or credit union in Oregon and that the account has been open for 60 days or more;

(g) A document showing receipt of public assistance from an agency of the State of Oregon; or

(h) An Oregon voter registration card.

(3) If an individual who does not currently reside in this state but is domiciled in Oregon is not able to meet the requirements of section (1) or (2) of this rule, a certification of residency or domicile for Oregon driver license, driver permit, identification card or vehicle registration, must be completed. The person must provide proof showing intent to return to Oregon as set forth in OAR 735-016-0030(3).

(4) Examples of documentation a business entity may be required to submit in relation to Oregon vehicle registration include but are not limited to:

(a) Property tax records, utility bills, rent receipts, lease agreements or similar documents which show the business entity is currently the occupant of an office or warehouse facility in Oregon along with a copy of service records, fuel receipts, garage receipts or other documents that show the vehicle(s) is being operated in Oregon;

(b) A permit number or other information that shows the person or business holds a permit or other authority issued under ORS Chapter 825 for intrastate transportation;

(c) Storage receipts, repair bills or similar documents which show a vehicle has been left in Oregon; or

(d) Dispatch, deliver, maintenance, tax records, or other documentation that show the vehicles are being housed or dispatched from a location within Oregon or are otherwise being operated in Oregon.

Stat. Auth.: ORS 184.616, 184.619, 803.350, 803.370, 807.050, 807.062 & 821.080  
 Stats. Implemented: ORS 802.500, 802.520, 803.200, 803.300, 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  
 Hist.: DMV 7-1999, f. & cert. ef. 12-17-99; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02

**735-016-0080**

**Social Security Number for Driver License, Driver Permit, Identification Card or Vehicle Registration**

(1) DMV may require a person requesting an Oregon driver license, driver permit, identification card or vehicle registration to provide his or her social security number for use in verifying the person's identity or that the person is a resident of or domiciled in Oregon.

(2) DMV may refuse to issue a driver license, driver permit, identification card or vehicle registration if the person refuses to provide the social security number.

(3) Except as provided in section (4) of this rule, the social security number shall:

(a) Be a confidential part of the customer record;

(b) Not be provided on any printed customer record; and

- (c) Not be displayed on any registration or title document.
- (4) DMV may disclose the social security number to other governmental agencies for the purposes stated in section (1) of this rule.  
Stat. Auth.: ORS 184.616, 184.619, 803.370 & 807.050  
Stats. Implemented: ORS 802.200, 803.370, 807.050 & 807.400  
Hist.: DMV 7-1999, f. & cert. ef. 12-17-99; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02

**DIVISION 18**

**ACCEPTANCE AND VERIFICATION OF INFORMATION SUBMITTED BY ELECTRONIC MEANS**

**735-018-0000**

**Authority and Purpose**

(1) OAR chapter 735, division 18 rules are adopted by DMV under the authority of ORS 802.012.

(2) The purpose of these rules is to:

(a) Specify the procedures and requirements under which a person or organization may, by electronic means, submit information to DMV that is customarily provided on paper forms; and

(b) Promote the development and use of electronic transactions between DMV and its customers while providing service that is efficient, secure, convenient and responsive.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
Hist.: DMV 4-2003, f. & cert. ef. 5-14-03

**735-018-0010**

**Definitions**

For purposes of OAR chapter 735, division 18:

(1) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(2) "Electronic record" means a record created, generated, sent, communicated, received or stored by electronic means.

(3) "Electronic signature" means an electronic sound, symbol or process attached to or logically associated with a record and executed or adopted by a person or organization with the intent to sign the record.

(4) "Electronic transaction" means the exchange of an electronic record and, in those transactions where an ink on paper signature would also be required under Oregon law, an electronic signature, between a person or organization and DMV for the purposes of:

- (a) Facilitating access to public records or public information;
- (b) Purchasing or selling goods or services;
- (c) Transferring funds;
- (d) Facilitating the submission of an electronic record or electronic signature required or accepted by DMV; or
- (e) Creating records upon which DMV or another person or organization will reasonably rely upon, including but not limited to formal communications, notices, certifications and any other record that is issued under a signature.

(f) This section does not apply to informational publications and informal communications.

(5) "Hardcopy" means a document printed on paper.

(6) "Hyperlink" means a connection from one Webpage to another using a HyperText Markup Language (HTML) command.

(7) "Organization" means corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, governmental agency, public corporation or any other legal or commercial entity. "Organization" does not include an individual.

(8) "Person" means an individual.

(9) "Personal Information" means the following information that identifies the individual: driver license, driver permit or identification card number; name; address (excluding five-digit ZIP code); and telephone number.

(10) "PIN" means a personal identification number assigned by DMV to a person or organization to establish a secure means of authenticating the identity of a person or organization when conducting certain specified electronic transactions with DMV.

(11) "PIN transaction" means an electronic transaction that requires the use of a PIN assigned by DMV.

(12) "Record" means a document or information that is customarily printed on paper, which contains information relating to and evi-

dencing the transaction of business between a person or an organization and DMV.

(13) "Unique identifier" means a number, name, symbol or other identifier used singly or in combination by DMV to uniquely identify a person, organization or vehicle to DMV. For example, a driver license number, customer identification number, date of birth, place of birth, mother's maiden name, vehicle license plate number, vehicle identification number, etc.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
Hist.: DMV 4-2003, f. & cert. ef. 5-14-03

**735-018-0020**

**General Provisions**

An electronic transaction is a transaction conducted between DMV and a person or organization, including but not limited to the submission of documents or information to DMV that meets all of the following requirements:

(1) Is limited to the transactions described under OAR 735, division 18 rules;

(2) Is voluntary, and is made at the sole discretion of the person or organization submitting the information;

(3) Is conducted through DMV's website or an official State of Oregon website that hosts or administers a DMV application or service;

(4) Is subject to the provisions of Oregon's Record Privacy Law (ORS 802.175-802.191) and Oregon's Public Records Law (ORS 192.410-192.505);

(5) Has the same level of legal protection and effect that is given to a hardcopy transaction and may not be denied legal effect, validity or enforceability solely because it is conducted in electronic form;

(6) Is conducted in accordance with:

- (a) The provisions of OAR 735, division 18 rules;
- (b) All applicable laws and administrative rules; and
- (c) Any instructions contained on DMV's website.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
Hist.: DMV 4-2003, f. & cert. ef. 5-14-03; DMV 21-2003, f. & cert. ef. 12-15-03

**735-018-0030**

**Personal Identification Number (PIN); Unique Identifiers**

(1) DMV may, at its discretion, require the use of a PIN or other unique identifier for certain electronic transactions.

(2) If a PIN is required, a person or organization may request a PIN by submitting a request for PIN at DMV's website.

(3) Upon the receipt of a request for PIN, DMV will assign and, at its discretion, mail or e-mail a PIN to the person or organization requesting the PIN.

(4) DMV reserves the right to terminate a PIN issued under this rule, if the PIN is not activated or used at DMV's website within a period of time to be determined by DMV.

(5) A person or organization may request a change of PIN by submitting a request for change of PIN at DMV's website.

(6) Upon the receipt of a request to change a PIN, DMV will assign and, at its discretion, mail or e-mail a PIN to the person or organization requesting the PIN.

(7) At the time a request for PIN or request for change of PIN is submitted to DMV, DMV at its discretion, will e-mail or mail a PIN assigned under this rule to the person or organization's e-mail or physical address that is contained in DMV's records.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
Hist.: DMV 4-2003, f. & cert. ef. 5-14-03

**735-018-0040**

**Certifications**

Pursuant to ORS 802.012 (2), an electronic transaction conducted at DMV's website that includes the electronic submission of any information to DMV necessary to comply with any requirement of the Oregon Vehicle Code, statute, or administrative rule shall:

(1) Constitute a certification, including but not limited to a certification as to the truth and accuracy of the document or information submitted in the electronic record;

(2) Apply whether or not the information submitted is signed by the person or organization that submits the information; and

(3) Apply whether or not the information was electronically submitted as part of an electronic record or in some other form.

[Publications: Publications referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
 Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
 Hist.: DMV 4-2003, f. & cert. ef. 5-14-03

**735-018-0050**

**Date and Time Information is Considered Submitted; Received**

(1) An electronic record submitted at DMV’s website shall be deemed received by DMV on the date and at the time that the record enters DMV’s website, or enters a hyperlink or an official State of Oregon website that maintains a hyperlink which provides access to DMV’s website.

(2) To be considered received or timely submitted, an electronic record must be received by DMV no later than 12:00 a.m., on the deadline for submitting the record.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
 Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
 Hist.: DMV 4-2003, f. & cert. ef. 5-14-03

**735-018-0060**

**Signature**

For any transaction that is required under Oregon law to be in writing and have a signature, an electronic signature shall have the same legal force and effect as if the person or organization had submitted the transaction in hardcopy with a handwritten signature in ink on paper.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
 Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
 Hist.: DMV 4-2003, f. & cert. ef. 5-14-03

**735-018-0070**

**Payment of Fees; Use of Credit Cards; Debit Cards**

(1) If an electronic transaction requires the payment of fees to DMV, payment of those fees within the electronic transaction shall be limited to only those credit card(s) or debit card(s) that are approved by DMV and designated on DMV’s website.

(2) To pay required fees to DMV within an electronic transaction, a person or organization must submit the following information to DMV:

- (a) Credit cardholder or debit cardholder name and billing address, including city, state and ZIP code;
- (b) Credit card or debit card number; and
- (c) Expiration date of the credit card or debit card.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
 Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
 Hist.: DMV 4-2003, f. & cert. ef. 5-14-03; DMV 21-2003, f. & cert. ef. 12-15-03

**735-018-0080**

**Errors; Omissions; Acknowledgement; Receipt of Transaction**

(1) An electronic transaction conducted at DMV’s website will result in the generation of an acknowledgement, receipt or message including but not limited to one or more of the following:

- (a) An error message informing the user of the nature of the problem and that the error is required to be corrected before the form can be accepted by DMV and the electronic transaction completed, if:
  - (A) An error is made on an electronic form; or
  - (B) A required data element is left off an electronic form.
- (b) An error message informing the user of the nature of the problem and that the electronic transaction cannot be completed, if:
  - (A) DMV’s website is experiencing technical difficulties; or
  - (B) There is an error in transmission of information.
- (c) If the electronic transaction is successfully completed, a receipt or acknowledgement that the electronic transaction has been accepted.

(2) If DMV’s website is experiencing technical difficulties or there is an error in the transmission of information; an error message will be sent informing the user of the nature of the problem and that the electronic transaction cannot be completed at that time.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
 Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
 Hist.: DMV 4-2003, f. & cert. ef. 5-14-03; DMV 21-2003, f. & cert. ef. 12-15-03

**735-018-0090**

**Electronic Records**

DMV records pertaining to electronic transactions conducted at DMV’s website are subject to all of the requirements for processing and records maintenance as described in OAR chapter 735, division 10.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
 Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
 Hist.: DMV 4-2003, f. & cert. ef. 5-14-03

**735-018-0100**

**Notification of Change of Address by Electronic Means**

(1) Except as prohibited under section (2) of this rule, a person required to notify DMV of a change of address pursuant ORS 803.220, 807.420 or 807.560 and OAR 735-010-0070, may, in lieu of submitting a hardcopy Change of Address Notice For DMV Records (**DMV Form 735-6438**), notify DMV electronically of a change of address by submitting a notice of a change of address at DMV’s website.

(2) An electronic notice of a change of address by an organization as defined in OAR 735-018-0030 is expressly prohibited.

(3) This rule does not apply to notice of a change of name or any other provision otherwise required by ORS 803.220, 807.420 or 807.560.

[ED. NOTE: Forms referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
 Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
 Hist.: DMV 4-2003, f. & cert. ef. 5-14-03

**735-018-0110**

**Renewal of Vehicle Registration by Electronic Means**

(1) A person or organization may renew, by means of an electronic transaction at DMV’s website, a vehicle registration pursuant to ORS 803.360, 803.370, 803.450, 803.455, 803.460, 803.465 and 803.473, by submitting:

- (a) A completed Online Registration Renewal Transaction; and
- (b) The fee required to be paid for renewal of vehicle registration under ORS 803.455 under the method prescribed in OAR 735-018-0070.

(2) In addition to the certifications described in OAR 735-018-0040, a renewal of vehicle registration submitted by means of an electronic transaction shall constitute a certification of all of the following:

- (a) The motor vehicle for which the person is applying for registration:
  - (A) Is, at the time of registration renewal, covered by the insurance policy indicated on the registration renewal application;
  - (B) Is not subject to weight-mile tax; and
  - (C) If the vehicle is a tow/recovery, farm, mobile home toter, or a charitable/non-profit vehicle that has been previously issued special registration, at the time of renewal:

- (i) The vehicle continues to qualify for special registration; and
- (ii) The vehicle’s use continues to conform to Oregon law as previously certified.

- (b) The applicant for vehicle registration renewal:
  - (A) Is a resident of or domiciled in Oregon, or is otherwise eligible, or required to register the vehicle in question pursuant to ORS 803.200 and 803.360;
  - (B) Understands that it is a crime under ORS 803.375 to knowingly make a false statement on an application for vehicle registration; and
  - (C) If required, has an in-house drug and alcohol testing program that meets the federal requirements; or is member of a consortium that provides testing that meets the federal requirements, or is exempt from the preceding requirements described in this paragraph.

(c) Proof of compliance with financial responsibility requirements pursuant to ORS 803.460.

Stat. Auth.: ORS 184.616, 184.619, 802.012 & 803.460  
 Stats. Implemented: ORS 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420 & 807.560  
 Hist.: DMV 4-2003, f. & cert. ef. 5-14-03; DMV 21-2003, f. & cert. ef. 12-15-03

**735-018-0120**

**Notification of Transfer or Sale of Vehicle by Electronic Means**

Notice required under ORS 803.112 and 803.117 that a person has transferred interest in a vehicle covered by an Oregon title may be

submitted to DMV by means of an electronic transaction through DMV's website.

Stat. Auth.: ORS 814.616, 184.619, 802.012, 803.112 & 803.112  
 Stat. Implemented: ORS 802.012, 803.112 & 803.117  
 Hist.: DMV 27-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 12-2004, f & cert. ef. 6-24-04

**DIVISION 20**

**GENERAL TITLE PROVISIONS**

**735-020-0000**

**Perfection of a Security Interest — Definitions**

The following terms and definitions apply to OAR 735-020-0000 to 735-020-0060:

(1) "Agent" means a person designated by DMV to accept applications and fees for vehicle titles and registrations, and includes a person issued a vehicle dealer certificate under ORS 822.020.

(2) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(3) "EVR" means DMV's electronic vehicle registration program.

(4) "EVR integrator" is a person designated by DMV by written agreement to facilitate transactions related to the titling and registering of motor vehicles between DMV and those Oregon vehicle dealers approved by DMV to conduct EVR transactions, including but not limited to the processing of applications for vehicle title and registration.

(5) "Evidence of Ownership" as used in ORS 803.097 means a document that contains a description of the vehicle, the name of each owner of the vehicle and the name of each person to whom interest is assigned, awarded or transferred; and

(a) Is a primary ownership document as provided in OAR 735-020-0010; or

(b) Is a transitional ownership document (TOD) as provided in OAR 735-020-0015.

(6) "Ownership document" has the same meaning as "ownership record" as defined in ORS 801.377 and as used in ORS 803.130 through 803.138.

(7) "Primary ownership document" has the same meaning as "primary ownership record" as defined in ORS 801.402 and as used in ORS 803.130 through 803.138.

(8) "Transitional ownership document" has the same meaning as "transitional ownership record" as defined in ORS 801.562 and as used in ORS 803.130 through 803.138.

Stat. Auth.: ORS 184.616, 184.619 & 803.097  
 Stats. Implemented: ORS 801.130, 801.402, 801.562, 803.097 & 803.130 - 803.138  
 Hist.: MV 2-1988, f. & cert. ef. 1-7-88; Administrative Renumbering 3-1988, Renumbered from 735-110-0500; MV 18-1988, f. & cert. ef. 6-1-88; MV 9-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 5-2000, f. & cert. ef. 8-10-00; DMV 10-2002, f. & cert. ef. 6-24-02; DMV 6-2004, f. & cert. ef. 5-24-04

**735-020-0010**

**Perfection of Security Interest; Primary Ownership Document**

(1) This rule specifies the documents DMV will consider primary ownership documents for the purposes of perfecting a security interest in a vehicle.

(2) Except as provided in section (3) of this rule, a primary ownership document is:

(a) A manufacturer's certificate of origin (MCO) or equivalent document as described in OAR 735-022-0030 through 735-022-0060. This subsection applies to:

(A) A vehicle or camper built by a manufacturer that has never been titled or registered; and

(B) A vehicle or camper built, assembled, or reconstructed using a component kit that has never been titled or registered. The MCO may only be considered a primary ownership document for the vehicle parts contained in the kit.

(b) A current certificate of title or salvage title issued for a vehicle or camper; or

(c) A Certificate to Obtain Title for a Vehicle (U.S. Government Form SF 97), for a vehicle or camper previously owned by the U.S. Government and where interest is being transferred.

(3) Notwithstanding section (2) of this rule, DMV may, at its discretion, consider other documents to be primary ownership documents when:

(a) DMV is satisfied that the original Oregon title has been lost or destroyed, and that there has been a change in interest;

(b) Interest has been transferred by operation of law under Oregon law, or through court action in a court having jurisdiction over persons or property located in Oregon, and the primary ownership documents described in section (2) of this rule are not available;

(c) The security interest is in a vehicle or camper not manufactured for sale in the U.S., and that is not currently registered or titled in the U.S.;

(d) The security interest is in a vehicle or camper last titled or registered outside the U.S.; or

(e) DMV is satisfied that a primary ownership document described in section (2) of this rule was never issued, is not obtainable, or has been surrendered to another jurisdiction.

(4) Documents DMV may determine are primary ownership documents under section (3) of this rule include but are not limited to:

(a) A court judgment or decree from a court having jurisdiction over persons or property located in Oregon that awards ownership of a vehicle or camper as a matter of law;

(b) A sheriff's bill of sale;

(c) A certificate of possessory lien foreclosure as described in OAR 735-020-0012;

(d) A completed and signed Inheritance Affidavit (DMV Form 735-516) vesting the interest of a deceased owner in the person designated by all the heirs as the owner of the vehicle or camper;

(e) A completed and signed Certificate of Ownership of an Assembled Light Trailer or Heavy Trailer (DMV Form 735-6644) for a trailer built by someone other than a manufacturer;

(f) A completed and signed Application for Replacement Title (DMV Form 735-515) or Application for Replacement Salvage Title (DMV Form 735-230) where:

(A) The application is accompanied by an Application for Title and Registration (DMV Form 735-226) that includes a release of interest from anyone listed on the original title that will not be listed on the new title; and

(B) Any change in interest is of a type not subject to odometer disclosure requirements under ORS 803.102 and OAR 735-028-0000 through 735-028-0100;

(g) A completed and signed Certification of Ownership Facts (DMV Form 735-550);

(h) An Ownership document issued by the U.S. Armed Forces for a vehicle or camper owned by a member of the U.S. Armed Forces;

(i) A salvage title, salvage bill of sale, or dismantler (wrecker) bill of sale on a vehicle or camper whose title has been surrendered to a jurisdiction; or

(j) For a vehicle or camper described under subsections (3)(c) and (d) of this rule:

(A) A certificate for export purposes issued by a foreign jurisdiction; or

(B) A vehicle or camper registration if the vehicle has been registered but is not currently titled.

(5) When the application for notation of a security interest is for a vehicle or camper that is initially being titled as assembled, reconstructed, or a vehicle replica, the primary ownership document must be specific to the frame or unibody.

(6) When the application for notation of a security interest is for a vehicle or camper manufactured in more than one stage, the primary ownership document(s) must cover each stage of manufacture.

(7) DMV may invalidate a primary ownership document as evidence of ownership if it determines:

(a) The document is fraudulent or contains false information; or

(b) The document does not show the most current ownership interest in the vehicle or camper.

(8) If, after a title has been issued, it is determined that the evidence of ownership is invalid under section (7) of this rule, DMV may cancel the vehicle title. Before a title is cancelled, DMV will send a notice of the proposed cancellation to the vehicle owner or lessee, security interest holder(s) and lessor (if applicable), as listed in DMV records. A cancellation becomes effective 10 days after the date the notice is deposited with the postal service, unless a hearing is requested within that 10-day period. If a timely hearing is requested, the cancellation will be contingent on the outcome of the hearing.

(9) A title cancellation under section (8) of this rule automatically invalidates the security interest(s) noted on that title. A new application

for notation for perfection of security interest and valid evidence of ownership must be submitted to DMV before security interest in a vehicle can be perfected pursuant to ORS 803.097.

(10) DMV will not invalidate a primary ownership document as evidence of ownership based solely on missing title requirements (e.g., missing odometer information, and fees).

[ED. NOTE: Forms referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 184.619, 801.402, 802.010 & 803.097  
Stat. Implemented: ORS 801.402 & 803.097  
Hist.: MV 2-1988, f. & cert. ef. 1-7-88; Administrative Renumbering 3-1988, Renumbered from 735-110-0510; MV 18-1988, f. & cert. ef. 6-1-88; MV 9-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-2002, f. & cert. ef. 6-24-02; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-020-0012**

**Application for Title by Possessory Lien Foreclosure**

(1) This rule designates the forms and procedures to be used when evidence of a possessory lien foreclosure is submitted to DMV in support of an application for vehicle title.

(2) In addition to all applicable fees, an application for title that is supported by evidence of a possessory lien foreclosure must be accompanied by one of the following certification forms:

(a) A Certificate of Possessory Lien Foreclosure (DMV Form 735-518) for a landlord’s lien pursuant to ORS 87.162;

(b) A Certificate of Possessory Lien Foreclosure (DMV Form 735-519) for an abandoned vehicle pursuant to ORS 98.835;

(c) A Certificate of Possessory Lien Foreclosure (DMV Form 735-520) for a possessory lien for labor or material expended on chatel (mechanic’s lien) pursuant to ORS 97.152;

(d) A Certificate of Possessory Lien Foreclosure (DMV Form 735-521) for property abandoned by a tenant pursuant to ORS 90.425 and 90.675;

(e) A Certificate of Possessory Lien Foreclosure (DMV Form 735-6604) for a lien for towing a vehicle pursuant to ORS 819.160; or

(f) A Certificate of Possessory Lien Foreclosure (DMV Form 735-6605) for storage charges of an unlawfully parked vehicle pursuant to ORS 98.812.

(3) A certification form described under section (2) of this rule must be completed and signed. The form must have a revision date of December 1996, or later.

[ED. NOTE: Forms referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 184.619 & 803.097  
Stat. Implemented: ORS 87.152, 87.162, 87.166, 87.172, 87.176 - 87.206, 90.425, 90.675, 98.805, 98.810, 98.812, 98.818, 98.830, 98.835, 803.097, 809.720, 811.555, 811.570, 819.110, 819.120, 819.160 & 819.230  
Hist.: DMV 10-2002, f. & cert. ef. 6-24-02

**735-020-0015**

**Transitional Ownership Document — Limited Ownership Document**

(1) “Transitional ownership document” (TOD) as used in OAR 735-020-0010 through 735-020-0040, is a document that:

(a) Is only valid when in the possession of the Driver and Motor Vehicle Services Division (DMV) of the Department of Transportation, and so long as it has not been returned, rejected or invalidated by DMV;

(b) Is evidence of ownership and is an application for notation of a security interest, as used in ORS 803.097, and subsequently may be invalidated as such;

(c) Is not negotiable; and

(d) Shall not by itself be evidence of a person’s ownership or right to title.

(2) As used in this rule and ORS 803.136, 30 days or 90 days means calendar days excluding the actual date of sale or date the security agreement or contract was signed. If the last day of the 30 or 90-day period falls on a Saturday or legal holiday, including Sunday, the TOD will be accepted if received by DMV on the first business day following the Saturday or legal holiday.

(3) The date DMV receives a TOD shall be considered the date requirements for perfection of a security interest were met, unless DMV rejects, returns, or invalidates the TOD.

(4) A TOD must be submitted either on an original DMV Transitional Ownership Document form or on an exact copy of the DMV form that is legible and can be photocopied, microfilmed, electronically scanned or otherwise reproduced by DMV.

(5) A photocopy or facsimile of a TOD may be submitted if it is legible and can be photocopied, microfilmed, electronically scanned or otherwise reproduced by DMV equipment.

(6) The vehicle identification number (VIN) required to be on a TOD must be the same VIN listed on the primary ownership document, unless it has been determined by DMV that the vehicle will be titled using a different VIN.

(7) On the TOD form, any change to the information regarding date of sale/date security agreement or contract signed, the name of each owner of the vehicle, the name and address of each security interest holder and their priority of interest if not holding jointly, the VIN and the name of the person submitting the form for the security interest holder, must be either initialed by the person submitting the form; or explained in a letter signed by the person submitting the form. This is not a requirement for correction of a misspelled name or misspelled address, or correction of a non-sequential portion of the VIN.

(8) No additions, deletions or corrections to the TOD will be accepted after DMV has marked the TOD as received.

(9) If the security interest holder, or person who originally submitted the TOD, wants to change the information on a TOD after DMV has marked the TOD as received, that person may submit a new TOD reflecting the change. If they do this:

(a) The previously submitted TOD shall be invalidated;

(b) The date the subsequent TOD is received, unless that document is also subsequently invalidated, shall be used for determining when requirements for perfection have been met; and

(c) The security interest holder or person who submitted the original TOD must submit a notice withdrawing the TOD, as provided in OAR 735-020-0030.

(10) If a TOD is invalidated, that same form may not be used as a TOD to make a subsequent application for perfection of a security interest.

(11) If DMV is in possession of the primary ownership document the requirement that the primary ownership document be submitted within 90 days from the date of sale, or if no sale, within 90 days of the date the security agreement or contract is signed, shall not be considered to have been met unless:

(a) DMV is provided with information sufficient to locate the primary ownership document; and

(b) DMV is able to connect the TOD and primary ownership document before DMV issues title for the vehicle.

(12) An invalidated TOD shall not be acceptable as either evidence of ownership or application for notation of a security interest.

Stat. Auth.: ORS 184.616, 184.619, 801.402, 802.010, 803.097 & Ch. 261, OL 2005  
Stats. Implemented: ORS 801.402 & 803.097  
Hist.: MV 18-1988, f. & cert. ef. 6-1-88; MV 20-1989, f. & cert. ef. 10-3-89; MV 9-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 11-1996, f. & cert. ef. 12-20-96; DMV 5-2000, f. & cert. ef. 8-10-00; DMV 19-2005, f. 9-19-05, cert. ef. 10-17-05

**735-020-0020**

**Perfection of a Security Interest — Application for Notation of a Security Interest**

(1) An application for notation of security interest for purposes of perfection of a security interest in a vehicle, hereafter referred to as an “application for security interest” is:

(a) A completed and signed DMV application for Oregon title submitted to DMV;

(b) A letter, a memo, or other written form; or

(c) A transitional ownership document (TOD) submitted to DMV as provided in ORS 801.562, OAR 735-020-0015, and 735-020-0040 through 735-020-0045.

(2) An application for security interest must include the following:

(a) If submitted on an application for Oregon title as described in subsection (1)(a) of this rule:

(A) The name of each owner of the vehicle;

(B) The name and address of the security interest holder; and

(C) The vehicle identification number (VIN).

(b) If the application for security interest is a TOD as described in subsection (1)(c) of this rule, the TOD must comply with all applicable provisions of ORS 801.562, OAR 735-020-0015, 735-020-0040 and 735-020-0045.

(3) If the application for security interest is submitted on an application for Oregon title, the application must be accompanied by a primary ownership document unless DMV is in possession of the primary

ownership document or the primary ownership document will be submitted separately, and the applicant provides the following information:

(a) A description of the vehicle, including VIN number, sufficient to connect the application for security interest and the primary ownership document;

(b) A statement that the primary ownership document is in the possession of DMV or will be submitted to DMV separate from the application for security interest;

(c) The date the primary ownership document was submitted or will be submitted to DMV; and

(d) If DMV has possession of the primary ownership document, the DMV office where it was submitted. If the primary ownership document will be submitted at a later date, it must be mailed to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR 97314 or submitted to an EVR integrator.

(4) If an application for security interest is a TOD, the provisions of ORS 801.562, OAR 735-020-0015, 735-020-0030, and 735-020-0040 through 735-020-0045 will determine when and if security interest is perfected.

(5) When the notation application is in any form other than a TOD, the date DMV or an EVR integrator has both an application for security interest that meets the requirements of this rule and the primary ownership document will determine when all requirements for perfection have been met:

(a) Except as provided in subsection (c) of this section, when the application for security interest and primary ownership document are submitted separately, the date when both the application and the primary ownership document are in the possession of DMV or the EVR integrator will determine the date the application for security interest is first received;

(b) When an application for security interest is accepted by an agent of DMV, the date the application is first received will be the date DMV or an EVR integrator and not the agent, receives both the application and primary ownership document; and

(c) If the application for security interest does not contain the information required under subsection (2)(a) of this rule, or if the application or primary ownership document is returned to the applicant or agent by DMV or an EVR integrator, the date marked on the application or entered in the DMV vehicle record as the date it was first received, is not the date of perfection of the security interest. The DMV vehicle record will indicate the date when all requirements for notation of a security interest are again received by DMV or an EVR integrator.

(6) For purposes of perfecting a security interest in a vehicle, when DMV or an EVR integrator first receives an application for security interest as set forth in section (5) of this rule:

(a) The date will be marked on the application for security interest; or

(b) DMV will indicate in the vehicle record the date the application for security interest was first received by DMV.

(7) DMV will only change a date described under section (5) of this rule if DMV determines the date marked on the application or recorded in the DMV vehicle record does not accurately reflect the date the application for security interest was first received by DMV or the EVR integrator.

Stat. Auth.: ORS 184.616, 184.619, 802.600 & 803.097  
 Stats. Implemented: ORS 801.402, 801.465, 801.562, 802.600, 803.097 & 803.130 - 803.138

Hist.: MV 2-1988, f. & cert. ef. 1-7-88; Administrative Renumbering 3-1988, Renumbered from 735-110-0520; MV 18-1988, f. & cert. ef. 6-1-88; MV 20-1989, f. & cert. ef. 10-3-89; MV 9-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 6-2004, f. & cert. ef. 5-24-04

**735-020-0030  
 Perfection of a Security Interest — Withdrawal of Transitional Ownership Document Required**

(1) If an application for title, along with the primary ownership document, will be submitted to Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 90 days of the date of the vehicle's sale or the signing of a security agreement or contract, the security interest holder or person who submitted the TOD to DMV must immediately submit a notice withdrawing the TOD when:

(a) Submitting a subsequent TOD for the vehicle, as provided in OAR 735-020-0015; or

(b) The security interest holder's security interest in the vehicle is released before the vehicle title is issued.

(2) The notice withdrawing the TOD must be in writing and contain the following:

(a) A statement requesting that the TOD previously submitted be withdrawn;

(b) The name and signature of the security interest holder or the person who submitted the TOD on behalf of the security interest holder; and

(c) Information sufficient for DMV to locate and identify the TOD, such as:

(A) The vehicle identification number;

(B) The name of each registered owner; and

(C) The name and address of the security interest holder.

Stat. Auth.: ORS 184.616, 184.619, 803.092, 803.094, 803.097 & 803.136

Stats. Implemented: ORS 803.130 - 803.138

Hist.: MV 18-1988, f. & cert. ef. 6-1-88; MV 10-1989, f. & cert. ef. 10-3-89; DMV 5-2000, f. & cert. ef. 8-10-00

**735-020-0040  
 Perfection of a Security Interest — Transitional Ownership Document Fees**

All of the following apply to fees required for a transitional ownership document (TOD):

(1) Persons who choose to submit TODs to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) by facsimile device shall establish an account with DMV for the purpose of paying for TODs. Accounts established for this purpose shall:

(a) Be subject to the provisions of OAR 735-010-0020;

(b) Be separate from and in addition to any other account the person may establish with DMV; and

(c) Only be used for charges involving fees required for the submission of TODs which are sent to DMV by a facsimile device.

(2) Persons submitting a TOD by facsimile shall include on the TOD or transmittal the number of the account to be charged. Failure to do so may result in the TOD being rejected, returned or otherwise invalidated.

(3) The account number provided must be an account that is in the name of the person submitting the TOD.

(4) If an incorrect or invalid account number is provided, DMV may reject, return or otherwise invalidate the TOD.

(5) If DMV determines the account number provided is delinquent at the time the TOD is received, the TOD shall be rejected, returned or otherwise invalidated.

(6) Except as provided in section (1) of this rule, the fee required for a TOD shall be submitted with the TOD. Failure to comply or submission of less than the full fee required by law shall result in the TOD being rejected, returned or otherwise invalidated.

(7) Where a single payment (e.g., one check or money order) is submitted to cover multiple transactions and there is insufficient payment to cover all of the transactions, DMV shall apply the money as follows:

(a) Due to the time limits for filing TODs, DMV shall apply what money is available to any TODs submitted with that payment, before applying any of the payment to other types of transactions submitted with the payment;

(b) The TODs will be processed in the normal order of business, with no preference given to applying payment to any particular TOD; and

(c) If there is insufficient payment to pay for all TODs submitted, those not covered or not fully covered shall be rejected, returned or otherwise invalidated.

(8) Any fees received by DMV for a TOD shall be retained if the TOD has been marked as received by DMV, regardless of whether the TOD is subsequently invalidated.

Stat. Auth.: ORS 802.010 & Ch. 148 & 927, OL 1989

Stats. Implemented: ORS 803.130 - 803.138

Hist.: MV 20-1989, f. & cert. ef. 10-3-89

**735-020-0045  
 Form of Titles and Ownership Records**

Notwithstanding provisions of law that allow for titles in a form other than a certificate of title, except as otherwise provided by rule:



(1) All Oregon titles and salvage titles shall be issued in the form of a certificate of title.

(2) Primary ownership record, as defined in ORS 801.402, shall be in the form of a document as provided in OAR 735-020-0010 through 735-020-0030.

(3) Transitional ownership record, as defined in ORS 801.562, shall be in the form of a document as provided in OAR 735-020-0015 through 735-020-0040.

Stat. Auth.: ORS 184.616, 801.402, 801.562 & Ch. 233, OL 1993  
 Stats. Implemented: ORS 803.012  
 Hist.: MV 9-1993, f. 10-22-93, cert. ef. 11-4-93

**735-020-0050**

**General Provisions Relating to Late Title Presentation Fees**

All of the following apply to late title presentation fees as provided in ORS 803.105, and as used in OAR 735-020-0050 through 735-020-0060:

(1) Late title presentation fees shall not apply to persons who are not residents of this state, and who normally would not be subject to Oregon title transfer requirements, but who need to apply for an Oregon title before they can apply for title in the state in which they reside. For example where:

(a) A duplicate and transfer of an Oregon title must be obtained before the owner can apply for title in their home state; or

(b) Vehicle ownership has been acquired through transfer by operation of law in Oregon, (e.g. sheriff sale on abandoned vehicle) and the owner must obtain an Oregon title before title can be obtained in the owner's home state.

(2) "Vehicle documents" required to be delivered or presented to DMV to avoid payment of late title presentation fees mean — The current certificate of title, manufacturer's certificate of origin (MCO) or equivalent MCO, or other documents determined by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) to be primary ownership documents as established in OAR 735-020-0010.

(3) The term "sale" means any transfer of the ownership interest in a vehicle from one owner to another for a consideration of value.

(4) Except as otherwise provided in this section, DMV shall consider a sale of a vehicle to have occurred any time there is a change in the owner as reflected on an Oregon title or title record. The term owner shall be as is defined in ORS 801.375. DMV shall not consider a sale to have occurred when:

(a) At least one of the owners reflected on the title is to remain on the new title as an owner;

(b) The transfer involves a change in the lessee where the lessor is remaining the same or where the lessor is to be shown as the owner on the new title;

(c) The transfer involves the repossession of the vehicle by the security interest holder, and the security interest holder is to be shown as the owner on the new title;

(d) The transfer in ownership is changing due to a court order where the court actually awards ownership of the vehicle;

(e) The transfer involves an inheritance where the person who is to be shown as the owner on the new title inherited the vehicle; or

(f) Any other transfer has occurred where DMV is provided with satisfactory documentation that the person to be shown as owner on the new title did not acquire their interest through the sale of the vehicle.

(5) All of the following apply to sale dates:

(a) DMV shall consider a release date or reassignment date on vehicle documents delivered or presented to DMV to be the sale date unless documentation satisfactory to DMV is presented; and

(b) Where there are conflicting release or assignment dates, no dates, or where the applicant indicates the date(s) shown does not reflect the actual date of sale, DMV may require additional documentation. Such documentation may include:

(A) Bills of sale, invoices or other documents that contain a sufficient description of the vehicle for DMV to identify it, and which reflect the date of sale;

(B) Written verification from the seller as to the date of sale; or

(C) A certification from the applicant.

(6) For purposes of computing time periods for late title presentation fees, the following shall apply:

(a) The first day (e.g., date of sale) shall be excluded;

(b) The last day (e.g., 30th or 60th day) shall be included; and

(c) If the last day falls on a Saturday, Sunday, or legal holiday observed by DMV, the last day shall be considered to be the next day DMV headquarters office is open for business.

Stat. Auth.: ORS 802.010, 803.105 & Ch. 148 & 452, OL 1989  
 Stats. Implemented: ORS 803.105  
 Hist.: MV 21-1989, f. & cert. ef. 10-3-89

**735-020-0060**

**Delivery of Vehicle Documents, Good Faith Effort and Circumstances Beyond Person's Control**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall consider vehicle documents (primary ownership documents) delivered to DMV on the date the vehicle documents along with all title application requirements and fees are:

(a) Presented in person at a DMV office; or

(b) Mailed to DMV as evidenced by the postmark date:

(A) If there is more than one postmark date, the earliest date shall be used; and

(B) If there is no postmark date, or if it is not legible, the date received shall be determined as two days before the application was delivered to DMV.

(2) DMV shall consider a person to have made a "good faith effort" to deliver the primary ownership document to DMV within 30 days of sale, if the applicant:

(a) Presents the primary ownership document to DMV within 30 days of sale, whether or not all requirements for title are present;

(b) Submits application for title within 30 days of sale to a designated dealer from whom they purchased the vehicle; or

(c) Complies with subsection (a) or (b) of this section within 30 days from the day it is within their control to do so. This subsection only applies when failure to submit vehicle documents is due to circumstances beyond the person's control as established in section (3) of this rule.

(3) DMV shall consider failure to deliver documents to be beyond the control of the applicant only when:

(a) The person did not have possession of the primary ownership document;

(b) The person became physically or mentally incapacitated following the purchase of the vehicle, directly preventing or making it impractical for the person to meet requirements for delivery of documents; or

(c) The person delivered the documents or made a good faith effort to deliver documents within 30 days of the date it first became within their control to do so.

(4) Examples of situations DMV shall consider to be beyond a person's control include but shall not be limited to where:

(a) An applicant is involved in an automobile accident immediately following the purchase of the vehicle resulting in an extended hospital stay;

(b) An applicant suffers from a debilitating illness, condition or occurrence that prevents them from conducting business for an extended time period following vehicle purchase; or

(c) The vehicle is purchased from a dealer who fails to provide the purchaser with the primary ownership document.

(5) Examples of situations DMV would not consider to be beyond a person's control include but shall not be limited to situations where the:

(a) Applicant purchases a vehicle from a certified dealer and the dealer provides the primary ownership document to the purchaser within 25 days of the sale;

(b) Applicant purchases a vehicle from someone other than a certified dealer, and:

(A) The seller provides the applicant with the primary ownership document within 25 days of the sale;

(B) The seller fails to provide the applicant with the primary ownership document, but the delay was due to action or inaction on the part of the applicant, such as failure to make payment or to arrange for financing; or

(C) The applicant made no attempt to obtain the primary ownership document from the seller.

(c) Applicant sustained minor injury, or incurred a short-term hospital stay which did not directly affect their ability to conduct business or to otherwise comply with requirements for delivery of documents; or

(d) Applicant met requirements of subsections (3)(a) and (b) of this rule but failed to comply with section (3)(c) of this rule.

(6) An applicant who meets the requirements of subsections (3)(a) and (b) of this rule, but fails to comply with subsection (3)(c) of this rule shall become subject to the requirements for delivery of vehicle documents from the date it first becomes within their control to deliver the primary ownership document or to make a good faith effort. If they fail to deliver the primary ownership document or make a good faith effort:

(a) Within 30 days from that date they shall be subject to the \$25 fee; and

(b) Within 60 days from that date, they shall be subject to the \$50 fee.

(7) Should DMV decide to return or reject primary ownership documents delivered under section (2) of this rule, or which have subsequently been submitted to DMV by a dealer, this shall not void the good faith effort:

(a) DMV shall mark the primary ownership documents to indicate the date they were presented to DMV; and

(b) Upon subsequent application for title, it shall be the applicant's responsibility to provide the dated documents as proof of the good faith effort. If they fail to do so, and there is no other evidence that a good faith effort was made, any applicable late presentation fees shall be due.

Stat. Auth.: ORS 802.010, 803.105 & Ch. 148 & 452, OL 1989  
 Stats. Implemented: ORS 803.105  
 Hist.: MV 21-1989, f. & cert. ef. 10-3-89

**735-020-0070**

**Junk Titles**

(1) Pursuant to ORS 803.045, DMV will not issue an Oregon title or salvage title for a vehicle that has been issued a junk title, junk certificate, or similar ownership document, or junk or similar brand or notation that includes a word, term, brand or notation including but not limited to the following:

- (a) Destroyed;
- (b) Dismantled or Dismantler only;
- (c) Hulk;
- (d) Junk;
- (e) Non-rebuildable;
- (f) Non-repairable;
- (g) Parts only;
- (h) Scrap; or
- (i) Wreck or Wrecker only.

(2) A designation as described in section (1) of this rule is based strictly on a determination made by another jurisdiction, as reflected on the current title or other ownership document issued by that jurisdiction.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 803.045  
 Stat. Implemented: ORS 803.045  
 Hist.: DMV 31-2003(Temp), f. 12-15-03, cert. ef. 1-1-04 thru 6-28-04; DMV 7-2004, f. & cert. ef. 5-24-04; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-020-0080**

**Notice of Transfer of Interest in a Vehicle**

(1) This rule specifies in what form notice must be submitted to DMV under ORS 803.112 and 803.117 that a person has transferred an interest in a vehicle covered by an Oregon title.

(2) Notice submitted under ORS 803.112 and 803.117 must contain the following information:

- (a) The vehicle identification number (VIN);
- (b) The vehicle registration plate number;
- (c) The full name of the person who transferred an interest in the vehicle (seller/transferor); and
- (d) The full name of the transferee (new owner/buyer).

(3) Notice meeting the requirements of section (2) of this rule must be submitted to DMV:

(a) In writing, and includes a Notice of Sale or Transfer of a Vehicle form (DMV Form 6890), a completed seller notice on the back of the vehicle's registration card or any other written document that contains the required information. Written notice may be delivered to any DMV office or mailed to DMV Headquarters; or

(b) Electronically, using DMV's online Notice of Sale or Transfer form as set forth in OAR 735-018-0120.

(4) At DMV's discretion, notice meeting the requirements of section (2) of this rule may be faxed or submitted by telephone.

(5) For purposes of ORS 803.112, notice meeting the requirements of sections (2) and (3) of this rule must be submitted within 10 days of the date of a transfer of interest in the vehicle.

Stat. Auth.: ORS 184.616, 184.619, 803.112 & 803.113  
 Stat. Implemented: ORS 803.112, 803.113 & 803.117  
 Hist.: DMV 27-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 12-2004, f. & cert. ef. 6-24-04

**DIVISION 22**

**TITLE ISSUANCE**

**735-022-0000**

**Evidence of Ownership to a Vehicle**

(1) DMV has established the following as evidence of ownership of a vehicle:

(a) A manufacturer's certificate of origin (MCO) as defined in OAR 735-022-0030.

(b) A vehicle title or bill of sale from the owner(s) of record.

(c) A completed, signed Certification of Ownership Facts (DMV Form 550).

(d) A transfer by operation of law including a sheriff's bill of sale, a judgment awarding ownership interest in a vehicle, an estate settlement document or inheritance affidavit (DMV Form 516), or a Vehicle Repossession Certificate (DMV Form 263).

(e) For a reconstructed or assembled vehicle, a bill of sale to the frame or unibody, whichever is applicable.

(2) DMV will not issue title for a manufactured trailer without a bill of sale for the axle or trailer frame.

(3) Nothing in this rule limits DMV's discretion to request or consider other information to establish evidence of ownership of a vehicle.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045, 803.050 & 821.060  
 Stats. Implemented: ORS 803.045 & 803.050  
 Hist.: MV 7-1980, f. & ef. 5-27-80; Administrative Renumbering 3-1988, Renumbered from 735-071-0071; MV 3-1993, f. & cert. ef. 4-16-93; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06; DMV 16-2006, f. & cert. ef. 11-17-06

**735-022-0010**

**Requirements for Use of the Special Affidavit to Obtain Oregon Title and Registration**

(1) If the items of evidence required in OAR 735-022-0000(1)(a) through (f) are not available, OAR 735-022-0000(1)(g) — Bills of sale to the unibody or frame may be used in conjunction with a special affidavit to obtain Oregon title and registration.

(2) When proof can be presented that the vehicle was previously registered in the State of Oregon, such proof and special affidavit may be used to obtain Oregon title and registration.

(3) Trailers shall be subject to the provisions of evidence as outlined in OAR 735-022-0000 except those which meet the following criteria:

- (a) Trailers having a combined weight of 8,000 pounds or less;
- (b) Trailers which if licensed would be subject to ORS 803.420(1);

(c) Trailers that have not been previously registered or titled in any state or country;

(d) Trailers not manufactured by a commercial firm.

(4) Trailers meeting all of these criteria may be titled solely on the basis of an affidavit under the authority of ORS 803.205.

Stat. Auth.: ORS 802.010, 803.205 & 803.420  
 Stats. Implemented: ORS 803.205  
 Hist.: MV 11-1980, f. & ef. 6-9-80; MV 17-1982, f. 10-29-82, ef. 11-1-82; Administrative Renumbering 3-1988, Renumbered from 735-071-0070

**735-022-0030**

**Manufacturer's Certificate of Origin (MCO) Definitions**

The following definitions apply to OAR 735-022-0000 through 735-022-0060:

(1) "Manufacturer's certificate of origin" (MCO), "manufacturer's statement of origin" (MSO), or a "certificate of origin" means a transitional ownership document issued by a manufacturer to a specific vehicle, or if a multi-stage vehicle, to a specific component of the vehicle and includes a "manufacturer's statement of origin" (MSO), a certificate of origin or similar term. An MCO is used to convey ownership

from the manufacturer to a franchised dealer or distributor and from the franchised dealer or distributor to a purchaser.

(2) "Glider kit" means:

(a) A kit consisting of a new truck cab or cab and hood assembly, including a front axle assembly and frame rails, with or without an engine, transmission and rear axle, manufactured and sold with an MCO, that has been used to replace damaged or worn components of an existing heavy truck or tractor; or

(b) A heavy truck or tractor was assembled using a kit consisting of all new component parts, including engine, transmission and rear axle, manufactured and sold with an MCO, and assembled by a person other than the manufacturer of the components. For purposes of this subsection, "heavy truck or tractor" means truck or tractor with a gross vehicle weight rating of more than 16,000 pounds.

(3) "Manufacturer" means a person in the business of manufacturing or assembling new vehicles.

Stat. Auth.: ORS 802.010, 803.045, 803.050 & 820.500

Stats. Implemented: ORS 803.045

Hist.: MV 6-1987, f. & ef. 6-17-87; Administrative Renumbering 3-1988, Renumbered from 735-090-0500; DMV 16-2006, f. & cert. ef. 11-17-06

**735-022-0040**

**Manufacturer's Certificate of Origin (MCO) Form and Content**

(1) An MCO must be issued by the vehicle's manufacturer or the manufacturer's authorized representative and must include the following:

- (a) The name of the manufacturer;
- (b) The vehicle year model, make and VIN;
- (c) The name of the franchised dealer, distributor or purchaser to whom interest has been assigned; and
- (d) The signature of the manufacturer.

(2) In addition to the requirements described in section (1) of this rule, an MCO issued for a vehicle manufactured in multiple stages, for example, a vehicle manufactured as a kit or glider kit, must include assignments of interest for each stage of manufacture. In addition, the MCO must:

(a) Contain the vehicle year model, if the MCO is from the final stage manufacturer; or

(b) Indicate the vehicle is incomplete and identify what portion of the vehicle is covered by the MCO.

(3) An MCO issued for a glider kit must identify that the MCO is for a kit or glider kit and contain at least the following:

- (a) The name of the glider kit manufacturer;
  - (b) The glider kit year model, make and VIN; and
  - (c) The name of the party to whom interest has been assigned.
- (4) If the MCO does not contain the required information, DMV may:

- (a) Require further documentation;
- (b) Refuse to issue title; or
- (c) Both subsections (a) and (b) of this section.

Stat. Auth.: ORS 802.010, 803.045, 803.050

Stats. Implemented: ORS 803.045

Hist.: MV 6-1987, f. & ef. 6-17-87; Administrative Renumbering 3-1988, Renumbered from 735-090-0510; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 16-2006, f. & cert. ef. 11-17-06

**735-022-0050**

**When Manufacturer's Certificate of Origin (MCO) Is Required**

(1) DMV requires an MCO to be submitted with an application for title for a:

- (a) Vehicle built by a manufacturer; and
- (b) Reconstructed motor truck built using a component kit.

(2) For vehicles built in stages by two or more manufacturers, DMV requires an MCO from each manufacturer for the portion of the vehicle manufactured.

(3) For reconstructed motor trucks rebuilt using a component kit, the MCO provided must be for the component kit.

(4) Notwithstanding section (1) of this rule:

(a) For vehicles with a year model of 1987 or earlier, MCO requirements apply exclusively to passenger vehicles, motor homes, mopeds, motorcycles, all-terrain vehicles and motor trucks built with component kits;

(b) An MCO is not be required if the manufactured vehicle or reconstructed vehicle has been previously titled or registered in any jurisdiction.

(5) DMV may require or accept an MCO in other situations. Example: When a person (other than a manufacturer) builds a vehicle and an MCO is issued for some or all of the major component parts (i.e., frame, chassis, motor).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045, 803.050 & 820.500

Stats. Implemented: ORS 803.045 & 820.500

Hist.: MV 6-1987, f. & ef. 6-17-87; Administrative Renumbering 3-1988, Renumbered from 735-090-0520; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05

**735-022-0060**

**Documents Equivalent to Manufacturer's Certificate of Origin (MCO)**

(1) DMV may accept equivalent documents in lieu of an MCO when:

- (a) The original MCO has been lost or destroyed;
- (b) The vehicle was not manufactured for sale in the United States and an MCO was never issued for the vehicle;

(c) In the case of multi-stage manufactured vehicles where an MCO was not produced for the first stage, or where a portion of the vehicle was previously titled or registered; or

(d) The manufacturer does not produce an MCO.

(2) Equivalent documents must provide evidence of releases of interest forming a complete chain of ownership from the current applicant back to the point of manufacture. If a portion of the vehicle was previously titled or registered, the chain of ownership for that portion of the vehicle must go back to the last owner of record.

(3) Examples of equivalent documents are:

(a) A copy of the manufacturer's invoice to the dealer when the MCO has been lost or destroyed. The invoice must be signed by the owner or office manager of the dealership and provide information as to the disposition of the original MCO; or

(b) A letter from the manufacturer indicating to whom the interest of the vehicle was assigned with connecting bills of sale from subsequent purchasers.

(4) DMV may withhold issuance of title even if equivalent documents are provided if it has reason to believe the MCO is available or that it may be in the possession of a third party.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045, 803.050 & 820.500

Stats. Implemented: ORS 801.402

Hist.: MV 6-1987, f. & ef. 6-17-87; Administrative Renumbering 3-1988, Renumbered from 735-090-0530; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05

**735-022-0070**

**Inspection of Vehicle Identification Numbers**

DMV adopts the following procedures relating to the inspection of the vehicle identification number (VIN) of a vehicle under ORS 803.212:

(1) DMV may designate a state agency, certified vehicle dealer or a law enforcement agency to act as an agent of DMV to perform VIN inspections under ORS 803.212. A state agency or law enforcement agency that wishes to be designated to perform VIN inspections must enter into a VIN inspection agreement with DMV.

(2) For purposes of this rule "agent" means a state agency, certified vehicle dealer or law enforcement agency designated by DMV to conduct VIN inspections on behalf of DMV.

(3) DMV may authorize a law enforcement agency to perform VIN inspections on any vehicle in the agency's custody.

(4) DMV, in its discretion, may limit the type of VIN inspections an agent may perform.

(5) Only DMV, the Oregon State Police (OSP) or other Oregon law enforcement agency acting as an agent of DMV, may perform a VIN inspection on a vehicle located in Oregon if:

- (a) The vehicle is assembled;
- (b) The vehicle is reconstructed;
- (c) The vehicle is a replica;

(d) DMV has received notice that the vehicle has been or will be wrecked, dismantled, disassembled or substantially altered under ORS 819.010 or 822.133;

(e) The vehicle is from another jurisdiction and documents presented show the vehicle has been damaged (i.e., salvage bills of sale, salvage title, etc.);

(f) The vehicle is imported and the original manufacturer did not certify that it complies with federal vehicle standards as described in OAR 735-022-0080; or

(g) The vehicle has been reported to DMV as a totaled vehicle. This does not apply to a vehicle reported totaled due to theft and later

recovered in a condition that no longer meets the definition of "totaled vehicle" under ORS 801.527.

(6) DMV may designate any person or agency to perform VIN inspections on vehicles in other jurisdictions, including:

(a) A law enforcement agency or entity with administrative or regulatory authority for vehicles within the jurisdiction;

(b) For vehicles owned by U.S. armed services personnel, the owner's commanding officer, Provost Marshal or other person in authority as authorized by DMV; or

(c) Anyone designated by DMV under a written agreement.

(7) The inspection fee established under ORS 803.215 is required for inspections performed under ORS 803.210. The fee does not apply to inspections performed outside Oregon.

(8) If a vehicle does not have a VIN, DMV will assign one and affix it to the frame. When a VIN is assigned, the title record will indicate the VIN assigned by DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.212

Stats. Implemented: ORS 803.212

Hist.: MV 2-1983, f. 3-19-83, ef. 5-1-83; MV 4-1983, f. 10-5-83, ef. 10-15-83; MV 1-1984, f. & ef. 1-10-84; MV 1-1985, f. & ef. 1-30-85; MV 19-1986, f. & ef. 12-1-86; MV 28-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-071-0009; DMV 14-1994, f. & cert. ef. 11-22-94; DMV 14-2001, f. & cert. ef. 8-13-01; DMV 16-2006, f. & cert. ef. 11-17-06

### 735-022-0080

#### Definitions Relating to Proof of Compliance with Federal Vehicle Standards

The following definitions apply to OAR 735-022-0090:

(1) "EPA" means the U.S. Environmental Protection Agency;

(2) "Federal vehicle standards" as used in Division 22 and ORS 803.045 mean:

(a) Federal Motor Vehicle Safety Standards and Regulations as specified by NHTSA under 49 CFR, Part 571; and

(b) Motor Vehicle Emissions Standards specified by the EPA under 40 CFR, Part 52.

(3) "Manufacturer" means a person in the business of manufacturing or assembling new vehicles.

(4) "NHTSA" means the U.S. Department of Transportation, National Highway Traffic Safety Administration.

(5) "State" means a State of the United States, the District of Columbia and Puerto Rico. For purposes of this rule, "state" does not include the Northern Mariana Islands, Guam, American Samoa, or the Virgin Islands.

(6) "U.S." means the United States of America and includes all States of the United States as defined in section (5) of this rule.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045

Other Authority: 40 CFR Part 52, subpart MM and 49 CFR Part 571

Stats. Implemented: ORS 803.045

Hist.: MV 6-1986, f. 3-13-86, ef. 3-17-86; Administrative Renumbering 3-1988, Renumbered from 735-090-0550; DMV 16-2006, f. & cert. ef. 11-17-06

### 735-022-0090

#### Proof of Compliance with Federal Vehicle Standards

(1) Proof of compliance with federal vehicle standards is required when DMV is not satisfied, based on the ownership documents, that the vehicle complies with federal vehicle standards, DMV has reason to believe the vehicle does not comply, or DMV receives an application for Oregon title and the application is submitted with an ownership document issued by:

(a) A jurisdiction outside of the U.S.;

(b) The U.S. military; or

(c) A person other than a U.S. authorized distributor for the vehicle listed on the manufacturer's certificate of origin (MCO).

(2) DMV will accept the following as proof that a vehicle complies with federal vehicle standards:

(a) For a vehicle imported by the U.S. military or military personnel, a written notice or form issued by the U.S. military that indicates the vehicle meets federal vehicle standards;

(b) A Dealer Certification of Compliance with Federal Emission and Safety Standards (DMV Form 7290), completed by an Oregon vehicle dealer with a current valid vehicle dealer certificate;

(c) An original letter from the manufacturer or U.S. authorized distributor that includes the VIN and that states that the vehicle meets EPA standards and can be modified to meet federal safety equipment standards. The letter must be accompanied by a Certification of Com-

pliance with Federal Emission and Safety Standards (DMV Form 7286); or

(d) For a vehicle with an ownership document issued outside of the U.S., a U.S. Customs form that contains all of the following:

(A) A vehicle description that includes the year model, make and VIN; and

(B) Written approval from U.S. Customs indicating that the vehicle complies with federal vehicle standards. For example, a form issued by U.S. Customs with an approval stamp or the signature of an authorized U.S. Customs agent.

(3) Proof of compliance with federal vehicle standards is not required if:

(a) The vehicle is or has been titled or registered in the U.S.;

(b) The MCO submitted to DMV indicates the vehicle was manufactured for use in the U.S.; or

(c) DMV receives an original statement from the manufacturer that indicates the vehicle complies with federal vehicle standards.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.045

Other Authority: 40 CFR Part 52, subpart MM and 49 CFR Part 571

Stats. Implemented: ORS 803.045

Hist.: MV 6-1986, f. 3-13-86, ef. 3-17-86; MV 3-1988, f. & cert. ef. 2-2-88; Administrative Renumbering 3-1988, Renumbered from 735-090-0560; DMV 16-2006, f. & cert. ef. 11-17-06

### 735-022-0100

#### Leased Vehicles

(1) As provided in ORS 801.375(1)(b), whether a lessee is to be shown on a title certificate as the owner, shall depend on whether the lessee is designated as the owner on the application for title.

(2) Notwithstanding section (1) of this rule, the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall require that the lessee be shown on the title as the owner, when such designation is required.

(3) Situations where section (2) of this rule shall apply, include situations where the person qualifying for or required to have the special type of registration or plates is the lessee, or where in order to qualify, the vehicle owner must:

(a) Be issued a business certificate related to the operation or use of the vehicle;

(b) Be the owner or operator of a business in which the vehicle is used;

(c) Certify under penalty of law, that the vehicle will be used or operated in accordance with specified requirements or restrictions; or

(d) Otherwise meet qualifications or requirements that only apply to the lessee.

(4) Examples of registration or plate types where the lessee shall be required to be shown as owner on the title, include but not be limited to:

(a) Government-owned vehicles registered under ORS 805.040 or 805.045, where the government entity is the lessee;

(b) Farm vehicles registered under ORS 805.300 through 805.400;

(c) Tow and recovery vehicles issued special plates or identification devices under ORS 822.210 or 822.217;

(d) Vehicles with a registration weight of more than 8,000 pounds that are described in ORS 767.022, vehicles operated by charitable organizations as described in ORS 767.025(15), and vehicles which are used exclusively to transport mobile homes, when such vehicles are registered under ORS 803.420(11); or

(e) Amateur radio operator plates where the lessee is the person that holds the license issued by the Federal Communication Commission.

Stat. Auth.: Ch. 551 (OL 1991), 802.010, 805.040, 805.045, 805.300 - 805.400 & 822.210

Stats. Implemented: ORS 803.050

Hist.: MV 25-1991, f. & cert. ef. 11-13-91

### 735-022-0110

#### Use of Vehicle Model on Titles and Salvage Titles

(1) Except as otherwise provided in this rule, the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall include the vehicle model name on certificates of title and salvage titles if:

(a) The vehicle is a motor vehicle that has a year model of 1981 or newer;

(b) The motor vehicle would be classed under Oregon registration laws as a motor truck, motorcycle, moped or vehicle commonly referred to as a passenger vehicle or similar motor vehicle registered under ORS 803.420(1); and

(c) The model can be determined from the vehicle identification number using DMV's data processing software package.

(2) DMV may elect to not show the model, or to record a model different than what is indicated by the vehicle identification number, if:

(a) The vehicle has been assembled, reconstructed, is a replica vehicle, or was manufactured in more than one stage;

(b) The designated model does not reflect what the vehicle looks like; or

(c) DMV is unsure of the actual model.

(3) DMV shall not include model information on titles or salvage titles for non-motor vehicles, and shall not routinely include model information for motor vehicles other than those covered in section (1) of this rule.

(4) The owner shall return the title or salvage title to DMV for correction, if a model is reflected in error on the title (e.g., the certificate of origin incorrectly identified the vehicle).

(5) DMV may include the vehicle model for a motor vehicle not covered in section (1) of this rule if DMV can verify the actual model and the National Crime Information Center has established a standard abbreviation for the model. This includes, but is not limited to, a specific request by the owner to include the model on the title.

(6) DMV may abbreviate a model name to fit in the space allotted on the certificate of title or registration.

(7) The model name shall not be required information on applications for title or registration, except when the model otherwise is required to be part of an odometer disclosure.

(8) This rule shall apply only to titles or salvage title issued on or after July 1, 1992.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 821.060, 821.080 & Ch. 873 (OL 1991)

Stats. Implemented: ORS 803.015

Hist.: MV 8-1992, f. 6-30-92, cert. ef. 7-1-92

### 735-022-0120

#### Optional Titling

(1) The purpose of this rule is to explain:

(a) When DMV may optionally title a vehicle that is exempt from titling requirements under ORS 803.030;

(b) The effect of title, and the requirements for a vehicle and the owner of a vehicle optionally titled under section (2) of this rule; and

(c) The specific vehicle categories and types that are not eligible to be optionally titled.

(2) When Issued. Except as specified in section (4) of this rule, DMV may issue an Oregon title for a vehicle exempt from titling requirements under ORS 803.030(1) and (2) if the vehicle owner(s):

(a) Requests a vehicle title be issued by submitting an application for Oregon title that meets the requirements of ORS 803.050; and

(b) Meets the qualifications for issuance of title under ORS 803.045, including but not limited to payment of required fees and submission of evidence of ownership as described in OAR 735-022-0000.

(3) Effect of Title. Upon issuance of an Oregon title under section (2) of this rule:

(a) The vehicle is not authorized to operate on Oregon highways unless the vehicle is lawfully registered in the state or jurisdiction where the owner is domiciled or is a resident, or the vehicle is otherwise exempt from registration requirements under ORS 803.305;

(b) The owner must comply with all applicable state and federal laws, rules and regulations related to the titling of vehicles; and

(c) The vehicle shall remain titled in Oregon and is subject to all the provisions of the vehicle code applicable to vehicles titled by this state until the vehicle is legally titled under the laws of another jurisdiction or an Oregon salvage title is issued.

(4) Vehicles not Eligible for Title. Notwithstanding section (2) of this rule, the following vehicles may not be issued an Oregon title under any circumstances:

(a) A bicycle as defined in ORS 801.150;

(b) A converter dolly as defined in ORS 801.217;

(c) An electric assisted bicycle as defined in ORS 801.258;

(d) An electric personal assistive mobility device as defined in ORS 801.259;

(e) An emergency fire apparatus providing public fire protection;

(f) A golf cart, unless it is defined as a low-speed vehicle under ORS 801.295;

(g) An implement of husbandry as defined in ORS 801.310;

(h) Vehicles moved exclusively on stationary rail tracks as described in ORS 801.026;

(i) Vehicles powered exclusively by human power as described in ORS 801.026;

(j) The following vehicles as listed in ORS 803.030:

(A) A farm tractor;

(B) A farm trailer when the operation or movement of the vehicle upon the highways is incidental to its use in an agricultural operation;

(C) A fixed load vehicle while operated within an immediate construction project, as described in a governmental agency contract, or used in the construction or reconstruction of state or county roads, highways or city streets;

(D) A motor vehicle designed to operate at a loaded weight over 8,000 pounds, a trailer and equipment while owned, leased, contracted or requisitioned by the State Forester, State Board of Forestry, their contractors under ORS Chapter 477, or the federal government; or for the purposes of forest protection and fire suppression under ORS Chapter 477 or a similar federal statute, including movement of the vehicles to and from the work area;

(E) A road roller;

(F) A traction engine;

(G) A trolley;

(H) A United States Government owned and operated motor vehicle or trailer; and

(I) Well drilling machinery;

(k) An invalid chair, including a motorized wheelchair as described in ORS 814.500;

(l) A motor assisted scooter as defined in ORS 801.348; and

(m) A tow dolly as defined in ORS 801.529.

(5) Notwithstanding section (1) of this rule, DMV may refuse to issue an Oregon title if:

(a) A vehicle is not manufactured primarily for operation on a highway;

(b) A vehicle is not manufactured in accordance with state and federal safety and equipment laws, regulations or standards for motor vehicles; or

(c) Issuance of an Oregon title violates the law of another jurisdiction.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.030 & 803.035

Stats. Implemented: ORS 803.010, 803.030, 803.035, 803.040, 803.045 & 803.092

Hist.: DMV 6-2005, f. & cert. ef. 2-16-05

## DIVISION 24

### ASSEMBLED/RECONSTRUCTED/ALTERED/ DAMAGED VEHICLES

#### 735-024-0015

##### Definitions; Title Brands

As used in this rule through 735-024-0025, the following definitions apply:

(1) "Brand", "branded title", or "title brand" means a notation, indicator, symbol or phrase that is or has been printed, stamped or otherwise affixed to a certificate of title to indicate the history, condition, or circumstances of a vehicle. A title brand does not necessarily indicate the extent to which a vehicle may have been damaged, whether a vehicle has been repaired or to what degree a damaged vehicle has been repaired.

(2) "Assembled vehicle" as defined in ORS 801.130 and these rules means a vehicle:

(a) With a body that does not resemble any particular year model or make of vehicle;

(b) That is not a vehicle rebuilt by a manufacturer;

(c) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(d) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica.

(3) The following title brands defined under this section are adopted pursuant to ORS 803.015 and indicate a determination of a vehicle's condition made by another jurisdiction, or in the case of "glider kit" or "replica vehicle" a determination made by Oregon DMV:

(a) "Branded" means:

(A) A listing of two or more brands on an out-of-state title or similar document; or

(B) A brand not specifically defined or identified under this rule.

(b) "Flood damaged," "flood," or a word of similar import means a brand to indicate that a vehicle has been submerged in water to the point that the vehicle sustained damage;

(c) "Glider kit" or a word of similar import means a brand to indicate:

(A) A kit consisting of a new truck cab or cab and hood assembly, including a front axle assembly and frame rails, with or without an engine, transmission and rear axle, manufactured and sold with a manufacturer's statement of origin, has been used to replace damaged or worn components of an existing heavy truck or tractor; or

(B) A heavy truck or tractor was assembled using a kit consisting of all new component parts, including engine, transmission and rear axle, manufactured and sold with a manufacturer's statement of origin, and assembled by a person other than the manufacturer of the components.

(C) For purposes of this subsection, "heavy truck or tractor" means truck or tractor with a gross vehicle weight rating of more than 16,000 pounds.

(d) "Lemon," "lemon-defective," "lemon-law buy-back," "returned to manufacturer" or a word of similar import means a brand to indicate a vehicle was returned to the manufacturer because of a defect or condition that could not be corrected and that substantially impaired the safety, market value, or the use, or intended use, of the vehicle.

(e) "Previous damage" means a title brand issued by DMV prior to August 20, 2004, to indicate that DMV had received information from another jurisdiction that a vehicle was damaged, destroyed, wrecked or salvaged, or words of similar import. The term "previous damaged" does not apply to vehicles issued a junk title or similar ownership document by another jurisdiction as described under OAR 735-020-0070;

(f) "Reconstructed vehicle," or "reconstructed" as defined in ORS 801.405 and these rules, means either:

(A) A vehicle that:

(i) Has a body that resembles and primarily is a particular year model or make of vehicle;

(ii) Is not a vehicle rebuilt by a manufacturer;

(iii) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(iv) Is not a replica; or

(B) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer's certificate of origin for the kit.

(g) "Totaled vehicle" or "totaled" as defined in ORS 801.527 and these rules means a vehicle that:

(A) Is declared a total loss by an insurer that is obligated to cover the loss or that the insurer takes possession of or title to.

(B) Is stolen, if it is not recovered within 30 days of the date that it is stolen and if the loss is not covered by an insurer.

(C) Has sustained damage that is not covered by an insurer and the estimated cost to repair the vehicle is equal to at least 80 percent of the retail market value of the vehicle before it was damaged. For purposes of this subsection, "retail market value" shall be as reflected in publications relied upon by financial institutions doing business in this state, including but not limited to the Title and Registration Textbook of the National Automobile Dealers Association (N.A.D.A. Guide), The Automobile Red Book or The Kelley Blue Book .

(h) "Replica" as defined in ORS 801.425 and these rules, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer;

(4) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation;

(5) "Oregon Certificate of Title" or "Oregon title" means a certificate of title, as that term is defined in ORS 801.185, issued by DMV.

(6) "Oregon Salvage Title Certificate" means a written document issued by DMV under the provisions of ORS 803.140 and 819.016 as evidence of vehicle ownership. An Oregon Salvage Title Certificate is not an Oregon Certificate of Title.

(7) "Salvage title," "salvage certificate" and "dismantler (wrecker) bill of sale" means a document issued by another jurisdiction to indicate the vehicle has been damaged, wrecked or salvaged or words of similar import. "Salvage title" does not refer to an Oregon salvage title certificate as defined by ORS 801.454 and this rule, unless the Oregon salvage title certificate reflects a brand that indicates the vehicle was damaged in another jurisdiction, before being titled in Oregon.

(8) "Word(s) of similar import" means any word, term, indicator, symbol or phrase that means the same or has the same effect as the terms described under OAR 735-020-0070 (junk titles) and defined under section (2) of this rule.

(9) For purposes of this rule, OAR chapter 735, division 024, division 152, ORS chapters 819 and 822, "Auto Recycler" has the same meaning as "dismantler" as defined under OAR 735-152-0000 and means a person issued a dismantler certificate under ORS 822.110.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.012, 803.015, 803.140, 819.016 & 821.060

Stats. Implemented: ORS 803.015 & 803.420

Hist.: DMV 18-2004, f. & cert. ef. 8-20-04; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

### 735-024-0025

#### Title Brands; When Issued, Removed and Exceptions

(1) When Issued. DMV will issue a branded title or a title with an "assembled" make when an application for an Oregon title is submitted and:

(a) The vehicle's title carries a brand(s) described under OAR 735-024-0015(3);

(b) The vehicle meets the definition of an "Assembled vehicle" as defined under OAR 735-024-0015(2); or

(c) The vehicle meets the definition of a "Reconstructed Vehicle," a "Replica" or a "Totaled vehicle" as those terms are defined under OAR 735-024-0015.

(2) An Oregon title issued under section (1) of this rule:

(a) Will not necessarily be issued with the same brand that appeared on the vehicle's previous certificate of title or other ownership document(s);

(b) Will be issued with a brand described under OAR 735-024-0015 determined by DMV to be most comparable to the brand that appeared on the previous certificate of title. This subsection does not apply to a "branded" brand;

(c) Will indicate the name of the jurisdiction that issued the title brand, unless the title brand was issued by DMV; and

(d) Will be issued with a brand or "assembled" make described under OAR 735-024-0015 when DMV determines from a previous title or vehicle record, from the application for title or from information obtained from any source that a brand or "assembled" make should be placed on the Oregon title as set forth in section (1) of this rule. DMV may require documentation to determine if a vehicle should be issued an Oregon title with an "assembled" make, or a "reconstructed" or "replica" brand.

(3) Except as specifically provided in section (4) of this rule, once a title brand or "assembled" make has been placed on a vehicle's Oregon Certificate of Title that brand or "assembled" make will appear on any subsequent Oregon title issued for the vehicle.

(4) DMV may omit, remove, add or change a title brand or "assembled" make when:

(a) DMV receives information that indicates an Oregon title or Oregon Salvage Title Certificate was issued with an incorrect brand or "assembled" make. For example, DMV receives written information from an originating jurisdiction that indicates its title incorrectly reflects a title brand;

(b) DMV is satisfied the title brand or "assembled" make was placed on the Oregon title or Oregon Salvage Title Certificate in error;

(c) DMV failed to place a title brand or "assembled" make on the Oregon title or Oregon Salvage Title Certificate when required under section (1) of this rule or subsections (d), (e) and (f) of this section.

(d) A subsequent accident or occurrence causes the vehicle to be identified with a brand or different brand such as "totaled" or "reconstructed."

(e) A vehicle issued an Oregon title with any brand or an “assembled” make other than totaled is reported to DMV as a totaled vehicle under ORS 819.012 or 819.014. Except as described in subsection (f) of this section, if DMV issues a new Oregon title, it will include a totaled brand, which replaces any previous brand shown on the Oregon title. For example, a vehicle issued an Oregon title with a flood brand, will be issued an Oregon title with a totaled-reconstructed brand when the vehicle is reported to DMV as a totaled vehicle and is subsequently titled as a reconstructed vehicle;

(f) Notwithstanding subsection (e) of this section, a vehicle issued an Oregon title with an assembled make, or glider kit, reconstructed or replica brand is reported to DMV as a totaled vehicle. If DMV issues a new Oregon title, it will include the original brand and a totaled brand. For example, a vehicle issued an Oregon title with a “replica” brand that is later reported to DMV as “totaled” under ORS 819.020 or 819.014, will be issued an Oregon title with a “replica-totaled-reconstructed” brand when the vehicle is reported to DMV as a totaled vehicle and is subsequently titled as a reconstructed vehicle; or

(g) The reason the vehicle was reported to DMV as a totaled vehicle is theft and the vehicle is recovered and no longer meets the definition of a “totaled vehicle” under ORS 801.527.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.012, 803.015, 803.0140, 819.016 & 821.060

Stats. Implemented: ORS 803.015 & 803.420

Hist.: DMV 18-2004, f. & cert. ef. 8-20-04; DMV 10-2005, f. 3-18-05

**735-024-0030**

**Definitions Relating to Vehicles and Documents for Vehicles that Have Been Damaged, Altered, or Rebuilt**

The following definitions and application of terms apply to OAR 735-024-0030 through 735-024-0170:

(1) “Accepting Vehicles as Salvage Material” as used in ORS 819.040, means to receive or purchase a vehicle that has already been wrecked, dismantled, or disassembled.

(2) “Assembled Vehicle” as defined in ORS 801.130 and these rules, means a vehicle:

(a) With a body that does not resemble any particular year model or make of vehicle;

(b) That is not a vehicle rebuilt by a manufacturer;

(c) That is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(d) That is not an antique vehicle, a vehicle of special interest, a reconstructed vehicle or a replica.

(3) “Brand,” “branded title” or “title brand” means a notation, indicator, symbol or phrase that is or has been printed, stamped or otherwise affixed to a certificate of title to indicate the history, condition, or circumstances of a vehicle. A title brand does not necessarily indicate the extent to which a vehicle may have been damaged, whether a vehicle has been repaired or to what degree a damaged vehicle has been repaired.

(4) “Certificate of Title” or “title” is defined in ORS 801.185. A title:

(a) May be issued by Oregon or some other jurisdiction;

(b) When issued by Oregon, is issued under ORS 803.045 or as is provided in 821.060;

(c) Except where designated, does not include a “salvage title certificate,” “salvage title” or “salvage certificate”;

(d) Is not issued to vehicles that:

(A) Are dismantled, disassembled, or substantially altered;

(B) Are otherwise in a condition that would require the title to be surrendered to the DMV for cancellation; or

(C) Have been issued a junk title, junk certificate or similar ownership document or brand as described in OAR 735-020-0070.

(e) Follows the frame or unibody of the vehicle for which the title was originally issued.

(5) “Dismantle” and “Disassemble” are defined in OAR 735-024-0050.

(6) “Frame” or “Unibody” refer to the major component(s) of a vehicle that form the support structure, undercarriage or lower structure of the vehicle, excluding such things as wheels or suspension. “Frame” does not include the body of the vehicle.

(7) “Insurer” as used in ORS 801.527 and 819.014 and in these rules, means a person engaged in the business of entering into policies of insurance. The term does not include persons who are self-insured.

(8) “Primary Ownership Document” is defined in ORS 801.402 and OAR 735-020-0010.

(9) “Proof of Compliance” means a document issued by DMV as evidence that:

(a) The title or primary ownership document was surrendered to DMV in accordance with ORS 819.010, 819.012 or 819.014; and

(b) The title or primary ownership document was marked, or DMV received other documentation that satisfied DMV that the vehicle was wrecked, dismantled, disassembled or totaled.

(10) “Reconstructed Vehicle,” or “reconstructed” as defined in ORS 801.405 and these rules, means either:

(a) A vehicle that:

(A) Has a body that resembles and primarily is a particular year model or make of vehicle;

(B) Is not a vehicle rebuilt by a manufacturer;

(C) Is not a vehicle built in a factory where the year model and make are assigned at the factory; and

(D) Is not a replica; or

(b) A motor truck that has been rebuilt using a component kit if the manufacturer of the kit assigns a vehicle identification number and provides a manufacturer’s certificate of origin for the kit.

(11) “Replica” as defined in ORS 801.425 and these rules, means a vehicle with a body built to resemble and be a reproduction of another vehicle of a given year and given manufacturer.

(12) “Salvage Title Certificate,” “Oregon Salvage Title Certificate” or “salvage title” as defined in ORS 801.454 and this rule means a written document issued by DMV under the provisions of ORS 803.140 and 819.016 as evidence of vehicle ownership. Unless designated otherwise, an Oregon Salvage Title Certificate is not a certificate of title.

(13) “Salvage title,” “salvage certificate,” and “dismantler (wrecker) bill of sale” means a document issued for a vehicle to indicate the vehicle has been damaged, wrecked or salvaged or words of similar import. “Salvage title” does not refer to an Oregon salvage title certificate as defined by ORS 801.454 and this rule, unless the Oregon salvage title certificate reflects a brand that indicates the vehicle was damaged in another jurisdiction, before being titled in Oregon.

(14) “Substantially Alter the Form” is defined in OAR 735-024-0050.

(15) “Totaled vehicle” and “totaled” as defined in ORS 801.527 and these rules means:

(a) A vehicle that is declared a total loss by an insurer that is obligated to cover the loss or that the insurer takes possession of or title to;

(b) A vehicle that is stolen, if it is not recovered within 30 days of the date that it is stolen and if the loss is not covered by an insurer; or

(c) A vehicle that has sustained damage that is not covered by an insurer and that is such that the estimated cost to repair the vehicle is equal to at least 80 percent of the retail market value of the vehicle prior to the damage. For purposes of this subsection, “retail market value” is determined utilizing publications used by financial institutions doing business in Oregon.

(16) “Wreck” is defined in OAR 735-024-0050.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.012, 803.015, 803.0140, 819.016 & 821.060

Stats. Implemented: ORS 803.015 & 803.420

Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92; DMV 18-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-024-0050**

**Definition and Application of Terms — To Wreck, Dismantle, Disassemble or Substantially Alter the Form of a Vehicle**

(1) As used in ORS Chapter 803, 819, and 822 and OAR 735-024-0030 through 735-024-0170, the terms “wreck,” “dismantle,” or “disassemble,” or other forms of these same terms, mean any action or occurrence to a vehicle that results in:

(a) Total destruction of the vehicle such as where the vehicle is taken apart with the intention of never again being operated as a vehicle, whether or not the frame or unibody will be used to repair, rebuild or construct another vehicle;

(b) The vehicle being crushed, compacted or shredded;

(c) The removal of the engine, drive train, or transmission from a motor vehicle for purposes other than repair, replacement or restora-

tion, or regardless of the purpose, where the frame or unibody is sold or transferred separate from such parts;

(d) The permanent removal of the wheels and the frame or undercarriage of a trailer (other than a mobile home);

(e) The vehicle no longer meeting the definition of a vehicle under ORS 801.590, except as provided in section (2) of this rule;

(f) The destruction of the frame or unibody of the vehicle; or

(g) The clipping of any quarter, section or half of the vehicle.

(2) Examples of situations when section (1) of this rule shall not apply include, but are not limited to:

(a) The frame or unibody is removed for the purpose of repair or restoration, as long as ownership of the vehicle is not transferred while the frame or unibody is removed, and the vehicle is reassembled in essentially the same form, using the same frame or unibody;

(b) The tires or wheels of a motor vehicle are removed, with no other action to change the unit to something other than a motor vehicle.

(3) As used in ORS Chapters 803, 819, and 822 and OAR 735-024-0030 through 735-024-0170, the phrase “substantially alter the form of a vehicle” means any action or occurrence to a vehicle that results in:

(a) The frame or unibody being cut, severed, or welded together with parts of two or more vehicles or other materials; or

(b) Changes or alterations to the body or unibody of a vehicle that cause the body to no longer resemble the original vehicle or otherwise cause the vehicle to meet the definitions of an assembled or reconstructed vehicle, or replica.

(4) Examples of “substantially altering the form of a vehicle” include but are not limited to the following:

(a) The front or back clip of a unibody vehicle is replaced;

(b) The frame or unibody is crushed, compacted, or shredded, and replaced with another;

(c) The body of the vehicle no longer resembles any particular year model or make of vehicle;

(d) The body of the vehicle resembles a different year model or make of vehicle than the one the title was issued for; or

(e) A motor truck is rebuilt using a component kit as described in ORS 801.405(2).

(5) Examples of when section (3) of this rule shall not apply include but shall not be limited to the following:

(a) The bed or box of a pickup truck is replaced;

(b) A flatbed truck is transformed into a stake truck;

(c) The changes involve the addition or accessories, or other modifications commonly known as “customizing,” as long as the frame or unibody of the vehicle is not affected, and the body still resembles the same year model and make of vehicle; or

(d) The repair or replacement of body parts, as long as the frame or unibody of the vehicle is not affected, and the body still resembles the same year model and make of vehicle.

Stat. Auth.: ORS 802.010, 803, 819, 820, 821, 822 & Ch. 820 & 873, OL 1991

Stats. Implemented: ORS 819.010

Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92

**735-024-0070**

**Vehicles that Are Wrecked, Dismantled, Disassembled, or Substantially Altered in Form — Responsibility of Parties**

(1) The types of vehicles that are subject to the provisions of ORS 819.010 (e.g., wrecked, dismantled, substantially altered) include:

(a) Vehicles of the type that, when operated over the highways of this state, are required to be registered and titled;

(b) Class I or III all-terrain vehicles;

(c) Snowmobiles; and

(d) Any other vehicle that has been issued a title by DMV; or by another jurisdiction.

(2) ORS 819.010 and any related rules apply if the activity described in ORS 819.010 and OAR 735-024-0050 is performed in this state, and the vehicle is of a type covered in section (1) of this rule. This applies to vehicles titled in Oregon, those titled in another jurisdiction, and any vehicle not subject to title requirements.

(3) A person who dismantles, disassembles, wrecks or substantially alters the form of a vehicle, must comply with the provisions of ORS 819.010 and apply for an Oregon salvage title except as provided in ORS 819.016 and OAR 735-024-0130.

(4) Primary ownership documents for vehicles described in section (1) of this rule may be surrendered to DMV, in lieu of the certifi-

cate of title where a title does not exist, or where ownership is being transferred by operation of law and the title is not available.

(5) The Oregon title certificate, foreign title certificate, or primary ownership document must be surrendered to DMV together with the application for salvage title, if a salvage title is required.

(6) The Oregon title must be surrendered to DMV along with a written statement that indicates the vehicle was dismantled, disassembled, wrecked or substantially altered, if a salvage title is not required. The statement must be submitted on a DMV Form 735-6017, “Notice of Vehicle to be Dismantled/Proof of Compliance,” if submitted by someone other than a dismantler issued a certificate under ORS 822.110.

(7) Except as provided in section (11) of this rule, registration cards and registration plates that are required to be surrendered, may be submitted with the title or primary ownership document, or submitted separately to DMV, along with information as to why they are being surrendered.

(8) Vehicles that are subject to this rule may not be repaired, rebuilt, transferred, or the frame or unibody used for repairing or constructing another vehicle, until a salvage title is applied for and issued, consistent with ORS 819.016 and 819.018.

(9) If a salvage title is not required, DMV may issue proof of compliance upon request, if:

(a) The title or primary ownership document is surrendered to DMV;

(b) DMV is provided with documentation that indicates the vehicle has been wrecked, dismantled or disassembled; and

(c) DMV is satisfied that a salvage title is not required.

(10) The act of wrecking, dismantling, disassembling or substantially altering a vehicle will not by itself cause a vehicle to be considered a totaled vehicle. Such a vehicle:

(a) Is subject to the requirements under ORS 819.010 and DMV rules; and

(b) Is not considered totaled, and is not subject to requirements that apply to totaled vehicles unless the vehicle was determined to be totaled before the vehicle was dismantled, disassembled, wrecked or substantially altered.

(11) Notwithstanding section (7) of this rule, a dismantler must destroy the registration card issued to and registration plates attached to a motor vehicle acquired by the dismantler. Registration cards and registration plates must be destroyed to the extent that they can never be used again. For purposes of this section, “acquired” means to take physical possession of a motor vehicle together with possession of the vehicle’s ownership record.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.140 & 819.012 - 819.018

Stats. Implemented: ORS 819.010 - 819.040

Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-024-0075**

**Notification of Disposal of Abandoned Vehicle Appraised at \$500 or Less**

(1) This rule designates the form of notice that must be submitted to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) for the disposal of an abandoned vehicle appraised at a value of \$500 or less under the provisions of ORS 819.215.

(2) For purposes of this rule the following definitions apply:

(a) “An authority” means a law enforcement or government agency authorized to remove an abandoned vehicle as described in ORS 819.140;

(b) “Dismantler” means a person who is the holder of a valid dismantler certificate issued under ORS 822.110; and

(c) “Tower” means the towing business that tows a vehicle at the request of an authority.

(3) A completed signed Abandoned Vehicle Certificate (DMV Form 271) must be submitted to DMV when an appropriate authority (i.e., a law enforcement agency or government entity), or tower determines to dispose of an abandoned vehicle.

(4) DMV will not accept an Abandoned Vehicle Certificate:

(a) That does not contain the make, plate number, registration state, vehicle identification number, appraised value, name of the dismantler to whom the vehicle will be disposed, and the certification,



including the name, address and authorized signature of the authority or tower disposing of the vehicle;

- (b) Shows an appraised value of more than \$500; or
  - (c) That has a form revision date before December 1998.
- Stat. Auth.: ORS 184.616, 184.619, 802.010 & 819.215  
 Stat. Implemented: ORS 819.215  
 Hist.: DMV 12-2005, f. 5-19-05, cert. ef. 6-1-05; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-024-0077**

**Notification of Request to Dispose of a Vehicle Appraised at \$500 or Less Abandoned on Private Property**

(1) This rule designates the form of notice that must be submitted to DMV by an authority requested by a person to dispose of an abandoned vehicle appraised at a value of \$500 or less and abandoned on private property under the provisions of ORS 819.280.

(2) For purposes of this rule the following definitions apply:

(a) "An authority" means a law enforcement or government agency authorized to dispose of an abandoned vehicle as described in ORS 819.140(1)(b) or (c).

(b) "Appraiser" means a person who is the holder of a valid vehicle appraiser certificate issued under ORS 819.230.

(c) "Dismantler" means a person who is the holder of a valid dismantler certificate issued under ORS 822.110.

(3) A completed and signed Abandoned Vehicle Certificate - Vehicle Abandoned on Private Property (DMV Form 272) must be submitted to DMV by an authority when the authority chooses to dispose of an abandoned vehicle as described under section (1) of this rule.

(4) An Abandoned Vehicle Certificate — Vehicle Abandoned on Private Property form must include:

- (a) The name and address of the authority disposing of the vehicle;
- (b) The name and address of the person requesting the disposal;
- (c) The vehicle identification number;
- (d) The registration plate number, if the registration plates are on the vehicle;
- (e) The appraised value of the vehicle; and
- (f) The appraiser's certificate number and signature.

(5) DMV will not accept an Abandoned Vehicle Certificate — Vehicle Abandoned on Private Property if the form:

- (a) Does not contain all of the information listed in section (4) of this rule;
  - (b) Shows an appraised value of more than \$500; or
  - (c) Shows a form revision date before January 2006.
- Stat. Auth.: ORS 184.616, 184.619, 802.010, 819.215 & 819.280  
 Stat. Implemented: ORS 819.215 & 819.280  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-024-0080**

**Abandoned Vehicles Sold Under ORS 819.220**

(1) This rule defines terms and establishes procedures for the sale of abandoned vehicles under ORS 819.220. As used in this rule:

(a) "Authority" means an agency authorized under ORS 819.140 to take custody of and dispose of abandoned vehicles.

(b) "Dismantler" means a person issued a certificate under ORS 822.110.

(c) "Purchaser" means a person to whom the authority sold a vehicle under the provisions of ORS 819.220 but does not include a dismantler.

(2) In addition to complying with other applicable provisions of ORS 819.220, an authority must provide to the purchaser or dismantler a certificate of sale and a Notice of Vehicle to be Dismantled/Proof of Compliance (DMV Form 735-6017).

(3) The purchaser must:

(a) Submit a Form 735-6017 to notify DMV if the purchaser intends to wreck, dismantle, disassemble or substantially alter the form of the vehicle as required under ORS 819.010; and

(b) Submit another copy of the Form 735-6017 to DMV along with the title or primary ownership document (e.g., sheriff's certificate of sale), within 30 days of when the vehicle has been wrecked, dismantled, disassembled or substantially altered, if the vehicle is exempt from salvage title requirements under ORS 819.016 or OAR 735-024-0130.

(4) Dismantlers who purchase vehicles under ORS 819.220, must comply with the provisions of ORS 819.010 as it applies to dismantlers, and any other provisions of law or rule that apply to dismantlers.

(5) Except as otherwise provided in ORS 819.016 and OAR 735-024-0130, a purchaser must apply to DMV for a salvage title.

(6) Even if other provisions of this rule apply, a purchaser who purchased a vehicle under ORS 819.220 before January 1, 1992, is not required to apply for salvage title unless:

(a) The vehicle is repaired. If the vehicle is repaired, the applicant may apply for a salvage title or a branded certificate of title showing the vehicle as assembled, reconstructed or a replica, whichever applies;

(b) The vehicle is wrecked, dismantled, disassembled or substantially altered in form; or

(c) Ownership of the frame or unibody of the vehicle is transferred.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 819.110, 819.140, & 819.220  
 Stats. Implemented: ORS 819.220  
 Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-024-0100**

**Totaled Vehicles — Notice and Surrender of Title by Registered Owner**

(1) Except for sections (6) and (7) of this rule, this rule covers those situations where a vehicle meets the definition of a totaled vehicle, and the loss is not covered by an insurer. Sections (6) and (7) of this rule cover the owner's responsibility when the loss is covered by an insurer.

(2) For vehicles that are considered totaled due to theft, the registered owner shall notify DMV within 60 days of the theft. The notice shall:

- (a) Be from the owner as shown on the title for the vehicle;
- (b) Be in writing;
- (c) Include a description of the vehicle sufficient for the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) to locate any record, including such things as the vehicle identification number (VIN) or registration plate number; and
- (d) Be supported by evidence that the vehicle was reported as stolen to a law enforcement agency, such as:

- (A) A copy of the police report;
- (B) A police report number and the name of the agency the theft was reported to; or
- (C) Other verification of the report.

(3) If the title is not in the name of the owner from whom the vehicle was stolen, the owner must qualify and apply for title in his or her name before a notice required under section (2) of this rule shall be accepted. DMV may accept the notice required in section (2) of this rule at the same time, the person applies for title.

(4) For vehicles that are considered totaled due to damage, the registered owner shall surrender the title or primary ownership document to DMV within 30 days of when the vehicle became totaled. In surrendering the title the registered owner shall do one of the following:

- (a) Apply for salvage title as required under OAR 735-024-0130 and as provided under OAR 735-024-0140;
- (b) Apply for issuance of title showing the vehicle as "assembled" or "reconstructed" or "replica" and showing the "totaled" brand, if the vehicle is repaired, rebuilt, or otherwise eligible for a certificate title;
- (c) Surrender the current certificate of title or primary ownership document to DMV, along with a statement indicating that the vehicle is totaled and why the vehicle is exempt from having to obtain a salvage title under ORS 819.016 and OAR 735-024-0130.

(5) If the registered owner is unable to surrender the title or primary ownership document, they shall notify DMV that the vehicle is totaled, and state the reason why they are unable to surrender the title or primary ownership document.

(6) As required by ORS 819.012, if a vehicle is determined to be totaled due to the vehicle being declared a total loss by an insurer that is obligated to cover the loss or that the insurer takes possession of or title to, the owner shall within 30 days of the date the vehicle became a totaled vehicle, surrender the title or primary ownership document to:

- (a) DMV; or
- (b) To the insurer.

(7) If the owner surrenders the title or primary ownership document to DMV under section (6) of this rule, the owner shall apply for salvage title as provided under OAR 735-024-0140, except as provided under OAR 735-024-0130. If salvage title is not required, in surrendering the title or primary ownership document to DMV, the owner shall include information indicating that:

- (a) The vehicle was totaled;
- (b) The name and address of the insurer; and
- (c) The reason a salvage title is not required.

Stat. Auth.: ORS 802.010, 803, 819, 820, 821, 822 & Ch. 820 & 873, OL 1991

Stats. Implemented: ORS 819.010 - 819.040

Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92

**735-024-0110**

**Totaled Vehicles — Insurer’s Notification to DMV**

(1) This rule applies to vehicles that meet the definition of “totaled vehicle” or “totaled” under ORS 801.527(1) because the vehicle was declared a total loss by an insurer that is obligated to cover the loss, or because the insurer took possession of, or title to the vehicle.

(2) The insurer must notify the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) as required by ORS 819.014 and 819.016. An insurer who obtains and surrenders a title on a totaled vehicle must notify DMV by making application for salvage title under OAR 735-024-0140. This section does not apply to an insurer who does not intend to rebuild or repair the vehicle, transfer the vehicle or use the vehicle frame or unibody to repair or construct another vehicle.

(3) If the insurer does not obtain the title, the insurer must notify DMV in writing and provide at least the following information:

- (a) The year model, make and vehicle identification number of the vehicle;
- (b) The vehicle registration plate number and state of registration, if known;
- (c) The name, address and phone number of the insurer submitting the notice; and
- (d) The insurer’s claim number and the date the vehicle was declared a total loss by the insurer.

(4) DMV may accept a copy of the insurer’s notice to the registered owner as notice to DMV if the notice contains the information required in section (3) of this rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.140, 819.014 & 819.016

Stats. Implemented: ORS 819.014, 819.016

Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92; DMV 12-2005, f. 5-19-05, cert. ef. 6-1-05

**735-024-0120**

**Totaled Vehicles — Persons Who Receive or Purchase**

(1) Except as otherwise provided by law, a person who receives or purchases a totaled vehicle is required under ORS 819.012 to surrender the title for the vehicle within 30 days of the purchase or receipt of the vehicle. As used in that statute and this rule:

(a) A primary ownership document may be surrendered when a title does not exist or in the case of a transfer by operation of law, is not available;

(b) The requirement that the title or primary ownership document be surrendered does not apply when:

(A) The title or primary ownership document has already been surrendered to the DMV with information indicating the vehicle was totaled; or

(B) A salvage title has already been issued for the vehicle. This section does not exempt persons from applying for salvage title in their name, if required to do so under OAR 735-024-0170.

(2) Persons who receive or purchase a totaled vehicle, and except as provided in section (1) of this rule, must within 30 days of receipt or purchase, surrender the title or primary ownership document to DMV, and do one of the following:

(a) Apply for salvage title as required under OAR 735-024-0130 and as provided under OAR 735-024-0140;

(b) Apply for a certificate of title identifying the vehicle as totaled and assembled or reconstructed or vehicle replica;

(c) If a salvage title is not required, and the vehicle is not eligible for a certificate of title is not being applied for, surrender the certificate of title or primary ownership document, together with assignments of interest or other evidence that the person(s) shown on the current title no longer hold an interest, and a written statement that indicates:

- (A) The name and address of the person submitting the title;
- (B) That the vehicle was totaled; and
- (C) Why the vehicle is exempt from having to be issued a salvage title.

(3) Subsection (2)(c) of this rule only applies to situations where a salvage title is not required because the person does not intend to:

- (a) Rebuild or repair the vehicle; or
- (b) Use the frame or unibody in repairing or constructing another vehicle.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 819.014

Stats. Implemented: ORS 819.010 - 819.040

Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-024-0130**

**Salvage Title — Vehicles Subject and When/Who Required to Apply**

(1) An Oregon salvage title is an ownership document that is used to assign interest and to make an odometer disclosure on a vehicle, from the time that the certificate of title is required to be surrendered to DMV until:

(a) The vehicle is repaired, rebuilt or is issued a certificate of title; or

(b) It is determined that:

- (A) The vehicle will not be rebuilt or repaired; and
- (B) The frame or unibody of the vehicle will not be used to repair or construct another vehicle.

(2) Vehicle types subject to the issuance of salvage titles, include any vehicle:

- (a) Of the type required to be titled or registered in this state, if operated over the highways;
- (b) Snowmobiles required to be titled and registered by DMV; and

(c) Any other vehicle that has been issued a certificate of title by DMV, or some other jurisdiction.

(3) An application for a salvage title is required on a subject vehicle that is:

(a) Wrecked, dismantled, disassembled, or where the form of the vehicle is substantially altered, as covered in ORS 819.010 and OAR 735-024-0050;

(b) Determined to be a totaled vehicle, and the title is required to be surrendered to DMV under ORS 819.012 or 819.014; or

(c) An abandoned vehicle that is sold under the provisions of ORS 819.220.

(4) When a salvage title is required, application must be made:

(a) For a vehicle that is declared a total loss by an insurer that is obligated to cover the loss, or that the insurer takes possession of or title to:

(A) The insurer must apply for the salvage title if the insurer obtains the title as provided under ORS 819.014, unless a salvage title has already been issued; or

(B) The owner must apply for the salvage title if the vehicle owner does not surrender the title to the insurer.

(b) By the owner for a vehicle that is totaled due to damage when the loss is not covered by an insurer;

(c) By any person who purchases an abandoned vehicle sold under ORS 819.220; or

(d) By any person who receives or purchases a vehicle subject to salvage title requirements unless:

(A) A salvage title or similar document has already been issued by Oregon or some other jurisdiction, and the person is not required to apply for salvage title in his or her name under OAR 735-024-0170; or

(B) A totaled vehicle that was purchased before January 1, 1992, and is not subject until the vehicle, frame or unibody is transferred, or the vehicle is wrecked, dismantled, disassembled, or substantially altered in form.

(5) The term “receive” as used in section (4) of this rule and ORS 819.012, does not apply to auctions or other parties who as an agent of another, take possession or control of a vehicle, but who do not actually acquire an interest in the vehicle or vehicle salvage. This section does not:

(a) Relieve insurers or persons who are actually transferring interest in the vehicle or vehicle salvage, from the responsibility to apply

for and provide any purchaser with a salvage title, as required under ORS 819.012 through 819.018 and this rule; or

(b) Prevent parties from entering into agreements to allow agents to apply for and provide salvage titles to any purchaser on behalf of another.

(6) An odometer disclosure is required when application is made for the issuance or transfer of a salvage title for motor vehicles, except those exempt from disclosure requirements under OAR 735-028-0010.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.140 & 819.012 - 819.018  
 Stats. Implemented: ORS 803.140, 819.010 - 819.040 & 49 CFR Part 580  
 Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-024-0140**

**Salvage Title — Application for Original Salvage Title**

All of the following apply to the process of obtaining a salvage title from the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV):

(1) The application shall be in writing, on a form provided by DMV, or other form acceptable to DMV.

(2) Information required on the application shall include but shall not be limited to:

(a) Information sufficient for DMV to identify the vehicle and to locate any current record DMV may have such as the vehicle make, year model, vehicle identification number and the Oregon registration plate number;

(b) The name and address of the vehicle owner;

(c) Information that indicates the vehicle is subject to salvage title requirements; and

(d) The signature of the owner.

(3) In addition, the information required in section (2) of this rule, the owner may provide a claim or policy number to be shown on the salvage title that shall:

(a) Be limited to alphabetic or numeric characters (or both); and  
 (b) Not exceed 16 characters.

(4) Information or documents required to be submitted in support of the application shall include, but shall not be limited to:

(a) The certificate of title or primary ownership document for the vehicle, unless previously surrendered to DMV;

(b) An assignment or release of interest from prior owners, lessors or security interest holders, or other evidence that their interest no longer exists:

(A) DMV may accept a certification from the insurer in lieu of individual releases when the original certificate of title is surrendered, and the application for salvage title is from an insurer who declared the vehicle to be a total loss or where the insurer otherwise took possession or title to the vehicle;

(B) DMV may require additional evidence, affidavits or certifications if questions of ownership exist.

(c) If the vehicle is a motor vehicle subject to odometer disclosure requirements, and the applicant for salvage title is someone other than the current owner of record, an odometer disclosure.

(5) The application shall be accompanied by the fee for a salvage title as provided in ORS 803.090.

Stat. Auth.: ORS 802.010, 803, 819, 820, 821, 822 & Ch. 820 & 873, OL 1991  
 Stats. Implemented: ORS 803.140  
 Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92

**735-024-0150**

**Salvage Title — Application for Replacement Salvage Title**

All of the following apply to the process of obtaining a replacement salvage title from the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV):

(1) A replacement salvage title shall only be issued, if the previous salvage title has been lost, mutilated or destroyed:

(a) “Lost” means that the whereabouts of the salvage title is unknown, and that to the knowledge of the owner, or person required to attest to the disposition of the salvage title, the salvage title is not in the possession of another party;

(b) “Mutilated” means the salvage title itself is damaged (e.g., torn in half), or the vehicle description, title brand information, or ownership information printed on the title when issued, has been altered in a manner that could cause someone to believe the title was issued differently than it was. “Mutilated” does not include alterations or mutilations made in the assignment of title;

(c) “Destroyed” means the salvage title no longer exists. “Destroyed” does not include surrender of the title to DMV or another jurisdiction.

(2) Except as otherwise provided in this section, the application shall be made by the person to whom the salvage title was originally issued, and the replacement salvage title shall be issued in the same name as the previous salvage title:

(a) If the owner of record has no knowledge of the disposition of the original salvage title, the person who has knowledge (e.g., current owner) may complete that portion of the replacement salvage title application that attests to the disposition of the original salvage title;

(b) The salvage title may be issued to someone other than the person to whom the previous salvage title was issued, when:

(A) The owner of record is deceased, or his or her interest is otherwise transferred by operation of law; or

(B) The whereabouts of the owner are unknown, or they are otherwise unavailable to apply. “Unavailable to apply” shall not apply if the owner of record is an insurer currently doing business in this state, or dealer or a wrecker currently licensed under ORS Chapter 822.

(3) The application for replacement salvage title shall be in writing on a form provided by DMV, or other form acceptable to DMV.

(4) Information required on the application shall include but shall not be limited to:

(a) Information sufficient for DMV to identify the vehicle and to locate the current record such as the vehicle make, year model, vehicle identification number and the Oregon registration plate number;

(b) The name and address of the vehicle owner;

(c) A certification as to the disposition of the previous salvage title;

(d) The signature of the owner to whom the replacement salvage title is to be issued; and

(e) If someone other than the owner of record is attesting to the disposition of the original title, their signature.

(5) In addition to the information required in section (4) of this rule, the owner may provide a claim or policy number or other reference number to be shown on the salvage title that shall:

(a) Be limited to alphabetic or numeric characters (or both); and  
 (b) Not exceed 16 characters.

(6) Additional information or documents that may be required to be submitted in support of the application shall include but shall not be limited to:

(a) When the replacement salvage title is to be issued in a name other than the current owner of record:

(A) If the owner of record’s interest was transferred by operation of law, documents (e.g., sheriff’s bills of sale, probate papers, lien foreclosure documents) evidencing that the interest of the owner of record no longer exist along with evidence that the current applicant has acquired an interest; or

(B) If the owner of record is no longer available other evidence that they no longer have an interest, along with evidence that the current applicant has acquired an interest.

(b) An odometer disclosure, if the vehicle is a motor vehicle subject to odometer disclosure requirements, and the applicant for salvage title is someone other than the current owner of record.

(7) The application shall be accompanied by the fee for replacement salvage title, and if ownership is being transferred as provided in paragraph (2)(b)(B) of this rule, the fee for transfer of the salvage title as provided in ORS 803.090.

Stat. Auth.: ORS 802.010, 803, 819, 820, 821, 822 & Ch. 820 & 873, OL 1991  
 Stats. Implemented: ORS 803.140  
 Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92

**735-024-0160**

**Salvage Title — Form and Content**

All of the following apply to salvage titles issued by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV):

(1) Salvage titles shall contain a control number and be produced by a secure process that meets or exceeds the requirements of federal law.

(2) Information contained on a salvage title shall include but shall not be limited to:

(a) The make, year model, vehicle identification number, and body style of the vehicle;

(b) The name and address of the owner to whom the salvage title was issued;

(c) If provided by the applicant, a claim or policy number, date of loss or other file number. The characters shall be alphabetical or numeric or both, and shall not exceed 16 characters in total;

(d) A printed seal of the State of Oregon;

(e) If applicable, odometer disclosure information provided to DMV at the time the salvage title was issued;

(f) If applicable, information that the vehicle was totaled, and any title brands that were on DMV records prior to issuance of the salvage title.

(3) Salvage titles shall provide space for persons to assign interest and disclose odometer information.

Stat. Auth.: ORS 802.010, 803, 819, 820, 821, 822 & Ch. 820 & 873, OL 1991

Stats. Implemented: ORS 803.140

Hist.: MV 32-1991, f. 12-30-91, cert. ef. 1-1-92

**735-024-0170**

**Salvage Title — Assignment, Transfer, Requirements for Surrender**

(1) The owner of a vehicle issued a salvage title, must keep the title until:

(a) The frame or unibody are no longer subject to salvage requirements described in OAR 735-024-0130; or

(b) The vehicle is transferred to a new owner.

(2) If the vehicle is wrecked, dismantled, disassembled, or substantially altered in form, and the parts are transferred separately:

(a) The salvage title must remain with the frame or unibody, if it is still subject to salvage title requirements or is sold to someone in another jurisdiction;

(b) The salvage title must be surrendered to DMV if the frame or unibody is no longer subject to salvage title requirements and has not been sold to someone in another jurisdiction. In this case, the salvage title must be surrendered to DMV within 30 days of when the vehicle, including the frame or unibody, is no longer subject to salvage title requirements.

(3) The provisions of this rule relating to forms used for assigning interest and making odometer disclosures only apply to a vehicle or frame or unibody remaining in this state. Other states may require assignments and disclosures to be made on the salvage title or on secure assignment forms that may be submitted with the salvage title.

(4) A dealer, dismantler, or insurer is not required to apply for salvage title in their name if ownership of a vehicle or frame or unibody has been issued or is transferred to a dealer or dismantler who holds a certificate issued under ORS 822.020 or 822.110, or to an insurer. This section does not prohibit a dealer, dismantler or insurer from applying for a salvage title in their name:

(a) Except as provided in subsection (4)(b) of this rule, any assignment of interest to the insurer, dealer or dismantler must be made on:

(A) The current salvage title; or

(B) If all of the assignment spaces on the salvage title are filled up, a separate assignment must accompany and remain with the salvage title. If ownership of the vehicle is transferred at a later time, any assignment(s) not recorded on the title must be provided with the salvage title to the transferee at time of transfer.

(b) The assignment may be made on the replacement title application or on documents supporting the application for replacement title, if the salvage title is lost, mutilated or destroyed, and where allowed under OAR 735-024-0150, the replacement salvage title is to be issued in a name other than the current owner of record.

(5) If ownership of a vehicle or frame or unibody for which a salvage title has been issued is transferred to anyone other than a dealer or dismantler who holds a certificate issued under ORS 822.020 or 822.110, or an insurer, that person is required to apply for salvage title in his or her name. In this case:

(a) Assignments of interest may be made as provided in section (4) of this rule;

(b) Odometer disclosures may be made on the application for salvage title or as otherwise provided in OAR 735-028-0000; and

(c) The person must apply for salvage title as described in OAR 735-024-0140, or if the salvage title is lost, destroyed or mutilated, as provided in OAR 735-024-0150.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.140, 819.016

Stats. Implemented: ORS 803.140

**DIVISION 26**

**DUPLICATE/REPLACEMENT TITLES**

**735-026-0000**

**Requirements for Obtaining Replacement Title**

All of the following apply to the process of obtaining a replacement title from the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) under ORS 803.065:

(1) A replacement title issued by DMV shall reflect all ownership interests recorded on the original certificate of title. No changes of ownership, names of interest holders or vehicle description shall be reflected on the replacement title, except:

(a) To correct information incorrectly recorded on the title; or

(b) To reflect changes to the vehicle since the title was issued, including the addition of brands such as “totaled,” “assembled,” “previous damage” or other brands required by statute or rule.

(2) A replacement title with transfer of interest may be issued as provided in OAR 735-026-0010.

(3) No replacement title shall be issued if the certificate of title is required to be surrendered under ORS Chapter 819. This section does not preclude:

(a) An application for replacement title submitted in support of an application for salvage title; or

(b) An application for replacement title submitted to comply with salvage procedures under ORS Chapter 819.

(4) A replacement title may be issued only if the certificate of title is lost, destroyed or mutilated.

(5) “Lost” means the whereabouts of the certificate of title is unknown and that, to the best of the owner’s or person’s knowledge who is required to attest to the disposition of the certificate of title, the title is not in the possession of another party.

(6) A stolen certificate of title shall be considered “lost” only if the certificate is physically taken by a party with no possible ownership interest in the vehicle:

(a) Situations where the certificate may be considered lost include, but shall not be limited to, the certificate of title being taken in a burglary, robbery or theft;

(b) Situations where the certificate shall not be considered lost include, but shall not be limited to, the certificate being taken due to a domestic dispute, or the certificate being given to a purchaser who later reneged on payment, including paying with a check which the bank would not cash.

(7) “Destroyed” means the certificate of title no longer exists. “Destroyed” does not include surrender of the title to DMV or other jurisdiction.

(8) “Mutilated” means the certificate of title is damaged (e.g., torn in half), or the vehicle description, title brand information or ownership information printed on the title when issued has been altered in a manner that could cause someone to believe the title was issued differently than it was. “Mutilated” does not include alterations or errors made in the assignment of title. This section does not preclude issuance of a replacement title if an interest holder released on the title in error and no assignment of interest was completed and no interests were transferred.

(9) Only the person or persons to whom DMV was required to deliver the certificate of title may apply for a replacement title. DMV shall accept an application for replacement title only if it is signed by:

(a) The primary security interest holder, if one was recorded on the certificate of title;

(b) All joint security interest holders, if joint security interest holders are recorded on the certificate of title;

(c) Every lessor, if there is a lessor, and there is no security interest holder; or

(d) Every registered owner, if there is no security interest holder or lessor.

(10) The application for replacement title shall be in writing on a form(s) furnished by DMV or other form(s) acceptable to DMV.

(11) Information required on the application shall include, but shall not be limited to:

(a) Information sufficient for DMV to identify the vehicle and to locate the current record, such as the vehicle make, year model, vehicle identification number and registration plate number;

(b) The names and addresses of all interest holders in the vehicle. If ownership of the vehicle has been transferred and the owner of record agrees, DMV may deliver the title to the transferee. In such cases, the name and address of the transferee shall be shown on the application as the owner's mailing address;

(c) A certification as to the disposition of the certificate of title (e.g., whether it was lost, destroyed or mutilated). If the person entitled to apply has no knowledge of the disposition of the title, the person with such knowledge shall make the certification;

(d) The signature of the person(s) entitled to apply. If the applicant is a financial institution, "signature" shall include the name of the institution, the signature of an authorized representative and evidence to satisfy DMV that the applicant is the financial institution named on the certificate of title. Such evidence may include, but shall not be limited to, a unique line stamp, official letterhead or other similar device. DMV may, but shall not be required to, independently verify that the financial institution named on the certificate of title is the applicant for replacement title.

(12) DMV may require additional evidence of ownership, disposition of the certificate of title or the identity of the applicant if:

(a) DMV has any reason to believe there may be a dispute of ownership of the vehicle;

(b) DMV has any reason to believe the certificate of title may not be lost, destroyed or mutilated; or

(c) DMV has any reason to believe the applicant may not be the person entitled to apply for a replacement title.

(13) The application shall be accompanied by the fee for a replacement title established under ORS 803.090.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 821.060, 821.080 & Ch. 873, OL 1991

Stats. Implemented: ORS 803.065

Hist.: MV 1-1978, f. 5-1-78, ef. 9-1-78; Administrative Renumbering 3-1988, Renumbered from 735-071-0002; MV 7-1992, f. 6-18-92, cert. ef. 6-22-92; MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**735-026-0010**

**Requirements for Obtaining Replacement Title with Transfer**

All of the following apply to the process of transferring any interest when obtaining a replacement title as provided in ORS 803.065(2):

(1) Except as otherwise provided in this rule, all of the provisions of OAR 735-026-0000 apply to the process of transferring any interest when obtaining a replacement title.

(2) No replacement title with transfer shall be issued except as otherwise provided in this rule. An application for replacement title with transfer provided for in this rule need not include an odometer disclosure.

(3) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) may accept an application for replacement title with transfer of interest:

(a) For any vehicle exempt from odometer disclosure requirements by ORS 803.102 or by administrative rule;

(b) When the transfer is by operation of law;

(c) When the transfer is due solely to the creation, release or assignment of a security interest;

(d) When the transfer involves only the removal or addition of co-owners where at least one owner remains the same; or

(e) When the transfer of interest occurred before June 22, 1992. An Oregon dealer who receives an application for replacement title where the transfer occurred before June 22, 1992 shall:

(A) Apply for a replacement title on behalf of the owner;

(B) Apply for a replacement title and transfer of title into the name of the dealer's retail customer when the vehicle is sold; or

(C) Obtain title in the name of the dealer if the vehicle is sold to another dealer on or after June 22, 1992.

(f) When a lessor recorded on the Oregon title is listed as the registered owner on the application for transfer.

(4) The application for replacement title and transfer shall be in writing on a form or forms provided by DMV or other form acceptable to DMV.

(5) An application for replacement title submitted with an application for transfer as provided in this rule shall be signed by the person or persons required to sign by OAR 735-026-0000(9), except:

(a) If the interest of a security interest holder or lessor required to sign has been satisfied, the application for replacement title shall be signed by the interest holder with the next highest priority;

(b) If the interest of all security interest holders and lessors required to sign have been satisfied, the application shall be signed by all registered owners;

(c) If any or all registered owners have released interest DMV may accept a separate release of interest from the owner in lieu of the owner's signature on the application if DMV receives evidence that the owner of record is no longer available to sign the application. In such cases DMV may require the transferee to provide evidence of attempts to contact the owner.

(6) Information required on the application for transfer shall include, but shall not be limited to:

(a) Information sufficient for DMV to identify the vehicle and to locate the current record, such as the vehicle make, year model, vehicle identification number and registration plate number;

(b) The names and addresses of all owners and lessors of the vehicle and all security interest holders in order of priority; and

(c) The signature of at least one of the owners of the vehicle, except:

(A) If the transfer is due solely to the assignment of a security interest, only the security interest holder to whom interest is assigned must sign the application for transfer;

(B) If there are both a security interest holder and a lessor, all lessors and at least one owner must sign the application.

(7) The application shall be accompanied by a release of interest from every person shown to have an interest in the vehicle on the certificate of title who no longer has an interest in the vehicle. A release may also be required from any other person DMV has reason to believe has an interest in the vehicle, whose name is not shown on the application for transfer.

(8) A release of interest may be any evidence satisfactory to DMV that the person no longer has an interest in the vehicle. Acceptable releases of interest include, but shall not be limited to:

(a) Assignment of interest on odometer disclosure and assignment forms;

(b) Bills of sale;

(c) Statements of lien satisfaction;

(d) Statements of lease termination; or

(e) Releasing signatures on the application for transfer.

(9) DMV may require a statement of fact or affidavit to establish ownership from any person it has reason to believe may have an interest in the vehicle, for the purpose of determining if the person has an interest in the vehicle.

(10) In addition to the fee for a replacement title, the application for a replacement title with transfer shall be accompanied by the fee for transfer established under ORS 803.090.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 821.060, 821.080 & Ch. 873, OL 1991

Stats. Implemented: ORS 803.065

Hist.: MV 7-1992, f. 6-18-92, cert. ef. 6-22-92; MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**DIVISION 28**

**ODOMETERS**

**735-028-0000**

**Definitions Relating to Odometer Disclosures**

As used in OAR 735-028-0000 through 735-028-0100 the following terms apply:

(1) "Actual Mileage" means the distance a vehicle has traveled while in operation.

(2) "Buyer" refers to the transferee as defined in ORS 803.102 and in federal rules (**49 CFR, Part 580**) for the purpose of odometer disclosure.

(3) "Seller" refers to the transferor as defined in ORS 803.102 and in federal rules (**49 CFR, Part 580**) for the purpose of odometer disclosure.

(4) "Odometer" means a device on a motor vehicle for recording the accumulated total mileage a vehicle has been driven. It does not include a device designed to be reset to zero by the operator for purposes of recording trip mileage.

(5) "Odometer Reading" means the mileage indicated on the odometer, excluding any tenths of a mile or kilometer.

(6) "Odometer Disclosure" is a written statement which contains a vehicle description, the odometer reading and a certification as to whether, to the best of the person's knowledge, the reading reflects the actual mileage, mileage in excess of the designed mechanical limit or does not reflect actual mileage. Other information also may be required by rule to be on the disclosure, depending on the type of transaction.

(7) "Conforming Title" means a certificate of title or salvage title issued by any state, which contains spaces for odometer information required by federal rules (49 CFR, Part 580). Any Oregon title or salvage title issued on or after January 1, 1992, is a conforming title.

(8) "Nonconforming Title" means a certificate of title issued by any state, which does not contain spaces for odometer information required under federal rules (49 CFR, Part 580). Any Oregon title issued prior to January 1, 1992, is a nonconforming title.

(9) "Secure Form" refers to an odometer disclosure and reassignment form or a power of attorney form that includes odometer information, issued by the Driver and Motor Vehicle Services Division of the Department of Transportation or any other state, which meets or exceeds federal requirements on form and content. The forms incorporate security features to deter and detect counterfeiting or unauthorized reproduction, and make alterations visible to the naked eye.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080 & Ch. 873, OL 1991  
 Stats. Implemented: ORS 803.120 - 803.126 & 49 CFR Part 580  
 Hist.: MV 23-1985, f. 12-31-85, ef. 1-1-86; MV 29-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-110-0400; MV 8-1992, f. 6-30-92, cert. ef. 7-1-92

**735-028-0010**

**Vehicles Exempt from Odometer Disclosure Requirements**

(1) In addition to the exemptions described under ORS 803.102, the following vehicles are exempt from odometer disclosure requirements:

(a) A new vehicle that is transferred before it is sold to a retail customer. For example, the transfer of a new vehicle between vehicle dealers.

(b) Snowmobiles.

(c) Class I all-terrain vehicles.

(d) A vehicle that has been reported stolen and has not been recovered.

(e) A vehicle originally manufactured without an odometer.

(f) A vehicle covered by a salvage title, if:

(A) The odometer has been destroyed, removed or is unreadable;

or

(B) The frame or unibody is transferred separately from the odometer.

(g) A vehicle that has been wrecked, dismantled, disassembled or substantially altered and:

(A) The provisions of ORS 819.010 have been complied with and DMV has issued proof of compliance under ORS 819.030; and

(B) The vehicle is acquired by a vehicle dismantler as defined under OAR 735-152-0000

(h) A vehicle that is ten years old or older. January 1 of the vehicle model year is used as the starting point in calculating the age of a vehicle. For purposes of this subsection, the model year is the year assigned by the manufacturer for a manufactured vehicle, or the model year listed on the vehicle title for an assembled, reconstructed or a replica vehicle. For example, a 1996 model vehicle is considered 10 years old on January 1, 2006.

(2) DMV may require an applicant to submit additional information to verify the model year of a vehicle.

Stat. Auth.: ORS 184.616, 803.045 & 803.102  
 Stats. Implemented: ORS 803.045 & 803.102  
 Hist.: MV 23-1985, f. 12-31-85, ef. 1-1-86; MV 29-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-110-0410; MV 51-1989, f. & cert. ef. 12-1-89; MV 12-1991, f. 9-18-91, cert. ef. 9-29-91; MV 8-1992, f. 6-30-92, cert. ef. 7-1-92; DMV 1-1997, f. & cert. ef. 1-17-97; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-028-0020**

**Odometer Disclosure; Initial Application for Title with No Change in Ownership**

(1) Unless exempt under OAR 735-028-0010, an odometer disclosure is required when a vehicle is initially titled in Oregon and there is no transfer of ownership, including but not limited to when:

(a) The vehicle owner listed on an out of state title is applying for an Oregon title; or

(b) The vehicle owner of an assembled vehicle is applying for a title.

(2) A vehicle odometer disclosure must be on a form approved by DMV that is complete, signed, and includes all of the following:

(a) The year model, make and VIN.

(b) The mileage on the odometer at the time of the reading and the date of the reading.

(c) A certification that states: to the best of the person's knowledge the odometer reading:

(A) Is the actual mileage;

(B) Is in excess of the designed mechanical odometer limits; or

(C) Is not the actual mileage.

(d) The signature of the vehicle owner.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.120 & 803.126  
 Stats. Implemented: ORS 803.015, 803.045, 803.092 & 803.120, 803.126  
 Hist.: MV 23-1985, f. 12-31-85, ef. 1-1-86; MV 29-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-110-0420; MV 8-1992, f. 6-30-92, cert. ef. 7-1-92; MV 18-1992, f. 12-21-92, cert. ef. 1-1-93; MV 17-1993, f. & cert. ef. 12-17-93; DMV 16-2006, f. & cert. ef. 11-17-06

**735-028-0030**

**Odometer Repair/Replacement Notice Requirements**

(1) As used in this rule, odometer repair notice means the notice required under ORS 815.415 to be placed on a vehicle when:

(a) An odometer is serviced, repaired or replaced; and  
 (b) The work could not be performed without changing the mileage reading.

(2) The notice shall be permanently affixed to the left door frame of the vehicle and shall include all of the following:

(a) Information identifying the form as an odometer repair notice;  
 (b) The name and address of the individual, agency or business that performed the work;

(c) The signature of the person who performed the work;

(d) The mileage prior to the repair, replacement or service (ORS 815.415);

(e) The date the work was performed (ORS 815.415); and

(f) That removal of the notice is a Class C misdemeanor.

(3) Odometer disclosures submitted because an odometer was serviced, repaired or replaced shall be on a form provided by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) or other form acceptable to DMV, and must contain all of the following:

(a) Vehicle identification sufficient for DMV to identify the vehicle, such as the year, make and identification number;

(b) The odometer reading before the repair or replacement was done;

(c) The current odometer reading, excluding tenths of a mile or kilometer; and

(d) The name of the business and a signature of a representative of the business that serviced, repaired or replaced the odometer.

(4) As provided in ORS 815.415, disclosures required under this rule shall be submitted to DMV within ten days of the completion of the work.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080 & Ch. 873, OL 1991  
 Stats. Implemented: ORS 815.415 & 49 CFR Part 580  
 Hist.: MV 23-1985, f. 12-31-85, ef. 1-1-86; Administrative Renumbering 3-1988, Renumbered from 735-110-0430; MV 8-1992, f. 6-30-92, cert. ef. 7-1-92

**735-028-0040**

**Odometer Readings and Messages on Oregon Titles**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall record on the title or salvage title the odometer reading disclosed upon transfer and the date of the disclosure, if the transfer is subject to odometer disclosure requirements by statute or rule.

(2) The odometer reading recorded on the title or salvage title shall be the most recent odometer reading received by DMV on a disclosure accompanying the transaction, except:

(a) DMV may use a disclosure other than the most recent in situations including, but not limited to:

(A) The most recent disclosure not containing all of the information required on a disclosure;

(B) DMV having reason to believe that the most recent disclosure does not accurately reflect the odometer reading to the vehicle; or

(C) A title is surrendered to DMV for correction of an incorrect reading under section (4) of this rule.

(b) If the vehicle is of the age and type subject to odometer disclosure requirements, but the transfer is not subject to odometer disclosure (e.g., removing a security interest holder), the reading recorded shall be:

(A) The mileage disclosed by the owner, if the owner makes a disclosure at the time of transfer (even though not required to); or

(B) The mileage shown on the previous title or salvage title, if the owner does not make a disclosure or the transfer involves a replacement title.

(c) The reading recorded shall be the mileage disclosed by the buyer, if DMV accepts the application without a disclosure from the seller, as provided in OAR 735-028-0090.

(3) The odometer disclosure date recorded on the title or salvage title shall be the date the disclosure is made. If DMV is unable to determine the date the disclosure is made, the date shall be the date the application was processed in DMV's local offices, or, if received by mail, the date the application was received.

(4) DMV may accept a title or salvage title for correction of the recorded odometer reading:

(a) Within 90 days of the issuance of the title or salvage title when a buyer or seller has made an incorrect odometer disclosure upon transfer of title and submits a corrected disclosure statement prior to any subsequent transfer of interest; or

(b) More than 90 days after the title is issued if there has been no subsequent transfer of title requiring odometer disclosure since the erroneous disclosure was recorded, if:

(A) DMV recorded the mileage or date incorrectly; or

(B) The request for correction is supported by evidence satisfactory to DMV that the original disclosure was in error. Such evidence may include, but shall not be limited to, service records with odometer readings and dates, or odometer disclosures made by the owner at renewal or at other times required by rule.

(5) DMV shall not correct the odometer reading or date recorded on the title when questions concerning odometer disclosure arise and the title or salvage title is not subject to correction under section (4) of this rule, but may add the notation that the odometer reading is not actual.

(6) DMV shall omit the odometer reading from the title or salvage title at any subsequent transfer when a vehicle becomes exempt from odometer disclosure requirements due to age or other reasons.

(7) If the odometer disclosure received by DMV indicates the odometer reading does not reflect the actual mileage, exceeds the mechanical limits of the odometer, or the odometer on a salvage titled vehicle is not readable, DMV shall record one of the following messages on the title or salvage title, in addition to the odometer reading and date:

(a) "Exceeds mechanical limits," if the odometer disclosure indicates the odometer reading is in excess of the designed mechanical limits of the odometer;

(b) "Not actual," if the odometer disclosure indicates the odometer reading does not reflect the actual mileage. "Not actual" shall be used if "not actual" and any other message both apply. "Not actual" also may be placed on the title by DMV if the odometer reading disclosed at transfer is lower than any previous odometer reading, whether or not "not actual" is indicated on any odometer disclosure received by DMV;

(c) "Not readable," if the vehicle has been destroyed, the odometer removed, or it otherwise is impossible to read the odometer of the vehicle because of damage to the vehicle or the odometer.

(8) Regardless of the contents of any odometer disclosure it may receive, DMV may add any odometer message to the title or salvage title it believes appropriate, if DMV is satisfied that:

(a) The odometer reading does not reflect the actual mileage; or  
(b) The odometer reading reflects mileage in excess of the designed mechanical limits of the odometer.

(9) If DMV receives an Oregon title or salvage title, or a title or salvage title from another state which contains a message like or similar to one of the messages in section (7) of this rule in support of an application for Oregon title, DMV shall:

(a) Record, on any title or salvage title DMV may issue for the vehicle, an odometer message like or similar to the one shown on the title presented to DMV; or

(b) Record a different message on any title or salvage title DMV may issue for the vehicle, if DMV is satisfied a different message would more accurately reflect the degree to which the odometer reading represents the actual mileage. For example, if DMV receives a disclosure that indicates the odometer reading is not the actual mileage, DMV shall use the message "not actual" without regard to any message on the previous title.

(10) If the message "not readable" appears on any title or salvage title issued by DMV, the message "not actual" shall be used if the odometer is repaired or replaced and the odometer cannot be reset to the exact actual mileage.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080 & Ch. 873, OL 1991  
Stats. Implemented: ORS 803.015 & 49 CFR Part 580  
Hist.: MV 8-1992, f. 6-30-92, cert. ef. 7-1-92; MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**735-028-0050  
Odometer Disclosure Requirements Upon Transfer of Interest —  
When and from Whom Required**

(1) The term "transfer" means any change of interest in a vehicle, whether by purchase, gift or any other means. The term applies, unless otherwise exempt, to vehicles:

(a) That have never been titled;

(b) That are titled in another jurisdiction;

(c) That have been issued any form of title (e.g., salvage title, certificate of title);

(d) That are new;

(e) That are of original construction, or have been rebuilt, reconstructed or assembled; and

(f) Whether or not transfer is recorded with the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV).

(2) A transfer, as defined in section (1) of this rule, does not include:

(a) Changes in interest that are specifically exempt from odometer disclosure under ORS 803.102 or OAR 735-028-0010;

(b) Changes in interest if at least one of the owners is remaining the same (e.g., where a co-registered owner is being added or deleted); or

(c) A change in interest due solely to the creation, release or assignment of a security interest.

(3) Upon transfer of interest in a vehicle subject to odometer disclosure:

(a) The seller shall make a written odometer disclosure that contains all of the following:

(A) The odometer reading at the time of transfer, excluding tenths of a mile or kilometer;

(B) The date of transfer;

(C) The printed name and current address of the seller. If the seller is a business, the printed name of both the business and the printed name of the person signing for the business shall be included;

(D) The printed name and current address of the buyer. If the buyer is a business, the printed name of both the business and the printed name of the person signing for the business shall be included;

(E) The vehicle identifiers, including make, model, year, body type, and vehicle identification number;

(F) A certification whether, to the best of the seller's knowledge, the odometer reading reflects the actual mileage, is in excess of the designed mechanical odometer limit, or does not reflect the actual mileage;

(G) The signature of the seller.

(b) The buyer shall:

(A) Sign the seller's disclosure; and

- (B) Return a copy to the seller.
- (4) If a conforming title has been issued for the vehicle:
  - (a) The disclosure from the seller in whose name the title or salvage title was issued shall be made on the actual title or salvage title;
  - (b) Disclosures from other parties (e.g., dealer reassignments) may be made on the title or on separate secure reassignment forms.
- (5) If a nonconforming title has been issued for the vehicle, or the vehicle has never been titled but is not covered by a Manufacturer's Certificate of Origin, disclosures shall be made on forms:
  - (a) Issued by the Oregon DMV, or the equivalent agency in another state which may include photocopies, facsimile copies, digitized copies or other reproductions of blank state forms other than secure forms;
  - (b) That contain all of the information required under section (3) of this rule; and
  - (c) That may be, but shall not be required to be, secure forms.
- (6) If the vehicle is covered by a Manufacturer's Certificate of Origin and a disclosure is required, it shall be made either:
  - (a) On the certificate of origin, that contains spaces for all the information required under section (3) of this rule; or
  - (b) On a disclosure form that contains all the information required under section (3) of this rule.
- (7) If the transfer involves more than one seller (e.g., co-owners selling a vehicle), only one seller shall be required to sign the odometer disclosure.
- (8) All of the following apply to leased vehicles that are otherwise subject to odometer disclosures upon transfer of interest:
  - (a) When the lessor is the seller, the lessor shall make the disclosure required of the seller. A lessor who transfers a leased vehicle without obtaining possession of it may, when making the odometer disclosure statement required from the seller, rely upon the mileage disclosed by the lessee to the lessor, as required by federal rules;
  - (b) When the lessee is the seller (i.e., the lessee acquired the vehicle under lease purchase and subsequently sells the vehicle), the lessee shall make the disclosure required of the seller;
  - (c) The lessee may acknowledge as purchaser the disclosure made by the seller, if the lessee is to be shown as the owner on the Oregon title.
  - (9) In the case of a transfer of interest by operation of law:
    - (a) If the owner whose interest is transferred would otherwise be required to complete an odometer disclosure, the person required to make the disclosure shall be:
      - (A) The person who transferred that owner's interest, if that person has possession of or reasonable access to the vehicle (e.g., a sheriff or tow company); or
      - (B) The buyer, if the person who transferred that owner's interest did not have possession or reasonable access to the vehicle (e.g., a court or bankruptcy judge).
    - (b) The disclosure shall be made on:
      - (A) The title for the vehicle, if the title is a conforming title and is available; or
      - (B) On a disclosure form issued by DMV, or some other state, if the title is a nonconforming title or if the title is not available, and ownership is being transferred without the title as allowed under Oregon law.
  - (10) A buyer or a seller may appoint an attorney in fact for purposes of odometer disclosure. Provisions covering the use of a power of attorney for odometer disclosure are as provided in OAR 735-028-0060 through 735-028-0080.
  - (11) When application for title or salvage title is required to be made, or is made on a vehicle subject to odometer disclosure under this rule, the required disclosure shall be submitted to DMV with the application for title or salvage title along with any other requirements.
  - (12) Dealers required to provide notice of purchase of a vehicle to DMV under ORS 803.105, shall not be required to include an odometer disclosure with the notice. This section, however, does not exempt dealers from obtaining or providing odometer disclosures, or from maintaining odometer disclosure records for vehicles they acquire or sell.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080 & Ch. 873, OL 1991  
 Stats. Implemented: ORS 803.102 & 49 CFR Part 580  
 Hist.: MV 8-1992, f. 6-30-92, cert. ef. 7-1-92; MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**735-028-0060**

**Restrictions on Use of a Power of Attorney for Odometer Disclosure**

(1) A power of attorney may be used for making odometer disclosures required upon transfer of interest, when the party granted the power of attorney is a disinterested third party:

(a) As used in this rule and OAR 735-028-0070, "disinterested third party" means someone who is not the buyer or seller, or an employee, agent or representative of either;

(b) Provisions covering the form, content and use of a power of attorney by a disinterested third party are covered in OAR 735-028-0070.

(2) No person shall sign an odometer disclosure for both the seller and buyer in the same transaction (e.g., by power of attorney), except as provided in this section:

(a) A seller may grant the buyer power of attorney to make an odometer disclosure if:

(A) The seller's title is lost, and the buyer is applying for a replacement title on behalf of the seller; or

(B) The seller's title is being held by a lien holder.

(b) A buyer may grant power of attorney to the seller, if at the time the seller acquired the vehicle the seller was granted a power of attorney as provided in subsection (2)(a) of this rule, and has re-sold the vehicle prior to receiving the title. Any power of attorney granted under this subsection shall be made on the same form as completed by the original seller and buyer, under subsection (2)(a) of this rule.

(3) Provisions covering the form, content and use of a power of attorney between a buyer and seller are covered in OAR 735-028-0080.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080 & Ch. 873, OL 1991  
 Stats. Implemented: ORS 803.120 - 803.124 & 49 CFR Part 580  
 Hist.: MV 8-1992, f. 6-30-92, cert. ef. 7-1-92

**735-028-0070**

**Odometer Disclosures — Power of Attorney Granted to Disinterested Third Party**

All of the following apply to the use of powers of attorney for the purpose of making an odometer disclosure, when the power of attorney is granted by the buyer or seller to a "disinterested third party," as defined in OAR 735-028-0060:

(1) The power of attorney may be on any form as long as it:

(a) Contains a vehicle description sufficient for the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) to identify the vehicle (e.g., year, make and vehicle identification number);

(b) Contains a statement as to what authority is being granted (e.g., authority to make odometer disclosure);

(c) Indicates who is granted the power of attorney; and

(d) Is signed by the person granting the power of attorney.

(2) The person who receives the authority granted by the power of attorney must exercise the power of attorney by completing an odometer disclosure in the same manner and form required under OAR 735-028-0050 of the person who granted the power of attorney.

(3) The power of attorney shall be submitted to DMV with the title or title documents with which it is used, when application for title is submitted:

(a) DMV may accept a copy of a general power of attorney that is not limited to the authority to make an odometer disclosure or transfer title on a specific vehicle. DMV also may accept a copy if the power of attorney is lost. Any copy submitted shall include a certification signed by either the person who granted the power of attorney or the person who received the authority, that the document is a true copy of the original;

(b) A separate odometer disclosure filing as provided in ORS 803.126 and OAR 735-028-0080 shall not be required for a power of attorney granted to a disinterested third party.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080 & Ch. 873, OL 1991  
 Stats. Implemented: ORS 803.120 - 803.124 & 49 CFR Part 580  
 Hist.: MV 8-1992, f. 6-30-92, cert. ef. 7-1-92



**735-028-0080****Odometer Disclosures — Power of Attorney Between the Buyer and Seller — Filings with the State**

(1) A person may sign an odometer disclosure as both the buyer and seller by power of attorney only when allowed under OAR 735-028-0060.

(2) When a seller gives a power of attorney to the buyer for the purpose of making an odometer disclosure, the form used shall be the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) "Secure Power of Attorney," Form 735-402, or a secure form issued by another state that conforms to federal rules (**49 CFR, Part 580**). All of the following apply to such forms:

(a) Photocopies, facsimiles, digitized copies or other reproductions of such forms are not acceptable for use in making odometer disclosures. This section does not prevent persons from making copies of completed forms, such as for their records;

(b) Oregon's secure power of attorney form, and the secure forms of some other states, are multicopy forms, each copy of which is a secure form. When used as intended, completion of the original power of attorney will result in the other copies being completed with the same information. Such copies shall be acceptable for submission to the state as otherwise provided in this rule.

(3) A seller who grants power of attorney under section (2) of this rule, shall complete Part A of the secure power of attorney form, including the seller's printed and written signature and all other information required to be part of an odometer disclosure, as covered in OAR 735-028-0050.

(4) A buyer who receives power of attorney under section (2) of this rule shall print and sign his or her name in Part A of the secure power of attorney form and return one copy of the form to the seller.

(5) Upon receipt of the seller's title, the person granted the power of attorney shall determine whether the mileage disclosed on the power of attorney is less than the mileage shown on the title:

(a) If the mileage disclosed on the power of attorney is greater than the mileage shown on the title, the person may use the power of attorney to make the required disclosure:

(A) If the title is a conforming title, the person shall complete the space for mileage disclosure on the title exactly as the mileage was disclosed on the power of attorney;

(B) If the title is a non-conforming title, the power of attorney form itself may be considered the disclosure, and the person need not complete a separate state-issued disclosure form.

(b) If the mileage disclosed on the power of attorney is less than the mileage shown on the title, and there is no indication from the seller on Part A of the power of attorney that the mileage has exceeded the mechanical limits of the odometer or that the mileage is not actual, the power of attorney is void for the purpose of making an odometer disclosure. In this case, the person granted the power of attorney shall not make the disclosure on the title and shall obtain a new disclosure from the seller. This subsection shall not apply if it is determined that DMV or another state made an error in recording the mileage on the title, and that the actual mileage reported and which should have been shown on the title was less than that reported on the power of attorney.

(6) If the person who is granted power of attorney under section (2) of this rule resells the vehicle prior to receipt of the title, and if the new buyer elects to grant power of attorney to that person for the purpose of making an odometer disclosure, the exact power of attorney form that was completed under sections (2) through (4) of this rule shall be used. In granting power of attorney under this section, the new buyer:

(a) Grants authority for the seller to sign all papers and documents required to secure title on the buyer's behalf;

(b) Grants authority for the seller to make the odometer disclosure on the title, only if the disclosure is exactly as completed on the power of attorney; and

(c) Acknowledges that the buyer is aware of the odometer disclosure made under Part A of the power of attorney form the buyer is signing.

(7) When power of attorney is granted under section (6) of this rule:

(a) The seller who is granted power of attorney shall complete Part B of the secure power of attorney form, including the seller's printed and written signature and all other information required to be part of an odometer disclosure, as covered in OAR 735-028-0050;

(b) The new buyer shall print and sign his or her name in Part B of the power of attorney;

(c) The seller shall provide a copy of the completed power of attorney to the buyer;

(d) Upon receipt of the title, the person who is granted power of attorney shall comply with the provisions of section (5) of this rule; and

(e) If the title is a conforming title, and the power of attorney is not void and is being used to make a disclosure under both Parts A and B of the power of attorney form, the person granted the power of attorney shall also complete Part C of the power of attorney form. Part C of the power of attorney includes, but shall not be limited to:

(A) The signature, printed name and address of the person exercising the power of attorney;

(B) A certification that the person has disclosed the mileage on the title as it was disclosed on the power of attorney, that the person has examined the title and any reassignment documents, and that the examination indicated the mileage disclosed on the power of attorney is greater than that shown on the title and any reassignment documents;

(C) The date of the certification.

(8) A person who is granted and who exercises a power of attorney under this rule shall complete the required odometer disclosure(s) on the title when received. The person shall provide an original power of attorney or one of the secure copies of a multicopy form to:

(a) The Oregon DMV, along with the title and any other requirements, if that person is applying for title in his or her name or on behalf of the new applicant; or

(b) Whomever that person provides the title.

(9) A person who is granted and who exercises a power of attorney under this rule and who does not apply for title in his or her name or on behalf of the new applicant (e.g., title and power of attorney given to new buyer) or who applies for title in a state other than the state that issued the power of attorney form, shall in addition to complying with section (8) of this rule, make a separate odometer disclosure filing in the state that issued the power of attorney form. All of the following apply to such filings:

(a) The filing shall be made to the Oregon DMV if filed in Oregon, or to the equivalent agency if filed in another state;

(b) The laws and regulations of the state in which the documents are being filed shall apply (e.g., requirements for filing and any fee); and

(c) To comply with Federal rules and Oregon rules and statutes, filings required under subsection (9)(a) of this rule to be made to the Oregon DMV:

(A) Shall include at least a copy of the front and back of the title that has been completed to show the odometer disclosure, the original power of attorney or one of the secure copies of a multicopy power of attorney, and the \$4 filing fee required by ORS 803.126;

(B) Shall be submitted to DMV within 30 days of selling the vehicle, or if the named attorney titles the vehicle in another state, within 30 days of exercising the power of attorney on the title; and

(C) Shall not be required if the title is a nonconforming title. However, DMV shall retain power of attorney documents and fees filed when the title is nonconforming.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080 & Ch. 873, OL 1991

Stats. Implemented: ORS 803.120 - 803.124 & 49 CFR Part 580

Hist.: MV 8-1992, f. 6-30-92, cert. ef. 7-1-92; MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**735-028-0090****Odometer Disclosure a Requirement for Issuance of Title, Exceptions**

(1) DMV will not issue title to a vehicle subject to odometer requirements until an odometer disclosure that meets the requirements of this division is submitted to DMV

(2) Except as otherwise provided in this rule, if there has been more than one transfer since the last title or other primary ownership document was issued (e.g., the owner sold the vehicle to a dealer who sold it to another person) the following odometer disclosures are required:

(a) Between the owner (seller) in whose name the last title or other primary ownership document was issued and the first buyer; and

(b) Between the person who last transferred the vehicle and the current applicant for title.

(3) If a vehicle is transferred through multiple parties (e.g., a vehicle sold from dealer to dealer), only the first and last disclosure must be submitted to DMV as provided in section (2) of this rule. However, this does not exempt the in-between owners from requirements to obtain, provide, and in some cases, maintain records on odometer disclosures, as otherwise required by DMV rules, federal law or federal rules.

(4) DMV may accept an odometer disclosure from the buyer, rather than the seller, or accept a transfer where only one of the two disclosures required under section (2) of this rule is provided, in the following situations:

(a) The most recent buyer does not receive the required disclosure(s) from the seller or the disclosure is subsequently lost or destroyed, and the seller is not available or refuses to provide the required disclosure(s);

(b) Interest is transferred by operation of law and the person who transferred interest did not have possession of or reasonable access to the vehicle, such as a transfer ordered by a court;

(c) DMV is satisfied a disclosure(s) required under section (2) of this rule is otherwise not available;

(d) The owner shown on an out-of-state title does not make a disclosure. This exception does not apply if the owner on an out-of-state title sells the vehicle directly to an Oregon business required to keep records of odometer disclosures, identified in section (6) of this rule;

(e) The owner shown on an Oregon title sells the vehicle to an out-of-state dealer and does not make a disclosure, and the vehicle is subsequently transferred to an Oregon buyer.

(5) When accepting a disclosure from the buyer or accepting a transfer where only one of the two disclosures required under section (2) of this rule is received, DMV may require additional evidence or information as to why a disclosure from the seller or person required to provide the disclosure has not been provided:

(a) When a transfer occurs between private parties or businesses not required by federal rule or law to maintain odometer disclosure records, in lieu of evidence, DMV:

(A) May accept a certification from the buyer that includes a statement that a disclosure from the seller is not available; or

(B) If one of the two disclosures required under section (2) of this rule is provided, DMV may accept the transfer without requiring an additional disclosure or certification.

(b) When a vehicle is sold by or through a business required by federal rule to maintain odometer disclosure records, in addition to the certification described in subsection (5)(a) of this rule, DMV may require any or all of the following:

(A) Evidence that the buyer attempted to get the required disclosure from the seller, or evidence that the seller no longer is in business;

(B) A statement, certification or other evidence from the seller stating why the seller is unable to provide the required disclosure information; or

(C) A certified copy of the disclosure from the seller's records, if the original disclosure is not available.

(c) When a transfer occurs by operation of law:

(A) DMV will accept a certification from the buyer as provided in subsection (5)(a) of this rule, without requiring further information or evidence as to the availability of a disclosure from the person who transferred the interest, if the transfer is of the type where the person who is transferring interest would in many cases not have possession of, or reasonable access to, the vehicle (e.g., transfer by court order or bankruptcy trustee);

(B) DMV may require the information described in subsection (5)(b) of this rule, if the transfer is of a type where the person who is transferring interest would in most cases have possession of or reasonable access to the vehicle (e.g., possessory lien sale or sheriff's sale).

(6) Businesses required to maintain odometer disclosure records under federal rule or law include:

(a) Auction companies, which as used in this rule, includes any person who takes possession (whether through consignment or bailment, or through any other arrangement) of a motor vehicle owned by another person for purposes of selling such motor vehicle at an auction;

(b) Dealers, which for the purpose of odometer disclosures under this rule and under federal odometer provisions, includes:

(A) Any person who meets the definition of "dealer" as defined in OAR 735-150-0010, regardless of whether the person holds a business certificate issued under ORS Chapter 822; and

(B) Any person who meets the definition of "dealer" in federal rules and laws (i.e., has sold five or more motor vehicles in the past 12 months to purchasers who in good faith purchase such vehicles for purposes other than resale). For the purpose of this rule, DMV considers any Oregon dismantler or dealer who holds a certificate issued under ORS Chapter 822 to meet this definition.

(c) Distributors, which as used in this rule, means any person who has sold five or more vehicles in the past 12 months for resale; and

(d) Lessors, which as used in this rule, means any person or agent for any person who has leased five or more motor vehicles in the past 12 months.

(7) In addition to any information or documents required under section (5) of this rule, and except as otherwise provided in this rule, disclosures accepted from buyers must contain at least the following:

(a) The odometer reading, excluding tenths of a mile or kilometer;

(b) Vehicle information sufficient for DMV to identify the vehicle;

(c) A certification as to whether, to the best of the person's knowledge, the odometer reading reflects the actual mileage, is in excess of the designed mechanical odometer limit, or does not reflect the actual mileage;

(d) The printed name and written signature of the buyer; and

(e) The buyer's address.

(8) DMV may accept a disclosure on a form other than required under OAR 735-028-0020 through 735-028-0090:

(a) Examples of situations where DMV may accept alternative forms include:

(A) A disclosure required to be on a title that is in the possession of, and is being retained by DMV;

(B) DMV accepting a disclosure as provided under section (5) of this rule; or

(C) A disclosure made on a secure power of attorney that has not been transferred to a state issued disclosure form.

(b) DMV will not accept a disclosure on an alternative form when:

(A) A dealer signs a disclosure as both seller and buyer and does not use a secure power of attorney form; or

(B) A dealer uses a secure power of attorney form to make a disclosure when the title was not lost or in the possession of a lienholder.

(9) DMV may accept an odometer disclosure that does not contain all the information required by rule, if the documents received by DMV contain all of the following:

(a) The odometer reading;

(b) A certification as to whether, to the best of the person's knowledge, the odometer reading reflects the actual mileage, mileage in excess of the designed mechanical limit of the odometer, or does not reflect the actual mileage;

(c) Vehicle information sufficient for DMV to identify the vehicle; and

(d) The signature of the person making the disclosure.

(10) DMV may accept a secure power of attorney that does not contain all the information required by rule, if the documents received by DMV contain all of the following:

(a) The odometer reading;

(b) A certification as to whether, to the best of the person's knowledge, the odometer reading reflects the actual mileage, mileage in excess of the designed mechanical limit of the odometer, or does not reflect the actual mileage;

(c) Vehicle information sufficient for DMV to identify the vehicle;

(d) The signature of the person granting power of attorney; and

(e) The signature of the named attorney.

(11) DMV may retain a separate power of attorney filing and fee under OAR 735-028-0080(9) that does not contain all the required information.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060 & 821.080

Stats. Implemented: ORS 803.120, 815.425 & 49 CFR Part 580

Hist.: MV 8-1992, f. 6-30-92, cert. ef. 7-1-92; MV 18-1992, f. 12-21-92, cert. ef. 1-1-93; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-028-0100**

**Expedite Title and Registration Services for Odometer Disclosure Problems**

(1) As used in ORS 803.207 and this rule, “expedited service” for title and registration transactions:

(a) Means the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) gives a particular title or registration transaction priority over similar transactions received by DMV on or about the same date, resulting in issuance of the title or registration sooner than such documents otherwise would be issued;

(b) Applies only when the need for the service is due to problems related to odometer disclosure requirements; and

(c) Applies to an application for registration only if application for title is also made.

(2) The fee for expedited service shall be \$10 per title.

(3) In determining if the need for expedited service relates to odometer disclosure requirements, DMV shall determine if:

(a) The vehicle is of the age and type subject to odometer disclosure; and

(b) A new Oregon title is needed within a short time period:

(A) In order for persons to comply with odometer disclosure requirements, and also meet requirements for providing title to the purchaser or perfecting a new security interest within specified time periods (e.g., the title is lost, and a replacement must be issued before dealer can provide title to new purchaser or submit title to DMV for perfection of new purchaser’s security interest). In the case of a vehicle purchased by a dealer for the purpose of resale, this section may apply regardless of whether the vehicle has been re-sold at the time of application;

(B) Due to the need for an out-of-state purchaser to first obtain title in Oregon in the purchaser’s name because another state will not accept a disclosure used in conjunction with an Oregon title.

(4) Situations where DMV shall consider providing expedited service include, but shall not be limited to, the following examples:

(a) A dealer has purchased a vehicle and is applying for a replacement title on behalf of the seller, using a secure power of attorney as provided in OAR 735-028-0080;

(b) Both Parts A and B of a secure power of attorney have been used with an Oregon title, and the vehicle has been sold into a state that will not allow such transfers, resulting in the need for the title to be transferred in Oregon first.

(5) Situations where DMV shall not provide expedited service under this rule include, but shall not be limited to the following examples:

(a) Any transaction covering a vehicle of an age or type not subject to odometer disclosures;

(b) Any transaction covering a vehicle not currently titled in Oregon, unless there has been a transfer by operation of law under Oregon law (e.g., a vehicle sold by sheriff under Oregon statute), and the transaction otherwise qualifies for expedited service under this rule;

(c) Any situation where there has been no transfer of interest and where there also is no pending transfer of interest of the type that would require an odometer disclosure.

(6) DMV shall not expedite a title when questions of vehicle ownership exist, or requirements for title or registration have not otherwise been met.

(7) When a request for expedited service accompanies a transaction, the request shall be in writing, and shall be submitted by mail or in person to DMV’s Salem Headquarters Office, 1905 Lana Avenue, Salem, Oregon 97314, in an envelope marked “expedite” on the outside, and shall include:

(a) A written explanation of why the transaction needs to be expedited;

(b) The application for title, and where applicable, registration, and all requirements for issuance, including all fees required (e.g., title fee, registration fees, plate fees); and

(c) The fee for expedited service.

(8) DMV may expedite a transaction that qualifies for expedited service but was originally submitted without an expedite request, if DMV first receives:

(a) The fee for expedited service;

(b) A written explanation of why the transaction needs to be expedited; and

(c) Information sufficient for DMV to locate the transaction in process. Required information may include, but may not be limited to, the date and place the transaction was submitted, and the vehicle identification number, plate number and names of persons shown on the application.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060, 821.080 & Ch. 873, OL 1991

Stats. Implemented: ORS 803.207 & 49 CFR Part 580

Hist.: MV 8-1992, f. 6-30-92, cert. ef. 7-1-92

**735-028-0110**

**Control of Secure Forms — Definitions, Distribution and Fees**

The following apply to DMV secure power of attorney and secure odometer disclosure/reassignment forms:

(1) As used in OAR 735-028-0110 through 735-028-0150:

(a) “Vendor” means a person authorized by DMV to print and sell secure forms to DMV and forms distributors;

(b) “Forms distributor” or “distributor” means a person authorized by DMV to distribute secure forms to end users;

(c) “End user” means a person that buys or sells vehicles or provides lending services for vehicles on a regular basis.

(d) “Application for approval” or “application” means a DMV application to become a forms distributor;

(e) “Authorized” means an applicant that has been approved by DMV to distribute secure forms.

(2) Secure forms may be distributed to end users by DMV or a forms distributor defined under section (1) of this rule.

(3) DMV will calculate the form fees charged to end users by adding DMV’s cost of the forms and the cost of shipping and handling.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 815.405, 821.060 & 821.080

Stats. Implemented: ORS 803.124 & 49 CFR Part 580

Hist.: MV 18-1992, f. 12-21-92, cert. ef. 1-1-93; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-028-0120**

**Control of Secure Forms — Distributor Application and Approval**

(1) An applicant shall be designated a distributor of secure forms upon approval by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) of an application submitted as provided in section (2) of this rule.

(2) All applications for approval to become a forms distributor shall be submitted by the applicant in writing, on a form furnished by DMV, to DMV’s headquarters office, 1905 Lana Avenue, Salem, OR 97314.

(3) DMV shall notify applicants of approval or disapproval in writing:

(a) DMV shall limit the number of forms distributors to no more than five, and may limit the number further if the anticipated forms usage does not warrant that many distributors;

(b) If DMV receives more applications for approval than there is a need for distributors, DMV shall in considering denial or approval, give priority to the applicant whose application was complete, accurate and received first.

(4) Approval shall be valid until terminated by DMV or the distributor as provided in OAR 735-028-0140.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 821.060, 821.080 & Ch. 873, OL 1991

Stats. Implemented: ORS 803.124 & 49 CFR Part 580

Hist.: MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**735-028-0130**

**Control of Secure Forms — Responsibilities of Forms Distributors and End Users**

All of the following apply to a person or firm designated a forms distributor under OAR 735-028-0120:

(1) Distributors shall purchase the forms either from the vendor or from the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV), as specified by DMV.

(2) Distributors shall provide secure forms only for the use of end users as defined in OAR 735-028-0110.

(3) Distributors shall control the forms without restriction to any end user upon receipt of payment.

(4) Distributors shall control the storage and distribution of the forms, maintain records on individual form numbers sold and provide DMV with reports listing:

(a) The name and address of all persons or firms to whom forms were provided;

(b) The starting and ending control numbers and total quantity of forms purchased by each end user during the report period; and

(c) The business certificate number assigned by DMV, if the end user is a certified dealer.

(5) Reports provided to DMV by distributors under section (4) of this rule shall be provided on a quarterly basis for each three-month period ending March 31, June 30, September 30, and December 31. Each report shall be furnished to DMV by the end of the month following the period covered by the report (e.g., the report for the period ending March 31 shall be provided to DMV no later than April 30).

(6) Distributors shall, upon arrival of forms from the vendor or DMV, immediately check the forms to determine if:

(a) The forms are damaged;

(b) There are any problems with form printing, quality or construction; or

(c) There are any control numbers out of sequence or missing.

(7) Distributors shall immediately notify DMV if:

(a) Any problem described in section (6) of this rule exists; or

(b) There are any delays in receiving the forms from the vendor, beyond five business days of when the vendor receives payment from the distributor.

(8) Distributors shall follow the instructions of DMV for handling any problems reported to DMV under section (7) of this rule.

(9) Distributors shall allow DMV to inspect the premises where the forms are maintained, and any records maintained for the control and distribution of the forms, to insure that adequate controls, records and service levels are being maintained and the distributor is meeting all the requirements of this rule.

(10) Distributors shall purchase the forms in quantities which shall not be fewer than 10,000 forms at any one time, nor fewer than 50,000 forms in any 12-month period.

(11) Distributors shall charge end users to whom the forms are distributed the fee determined by DMV under OAR 735-028-0110. Costs incurred by the distributor or DMV for special services requested by an end user (i.e., expedited handling, express mail) and not attributable to the distributor's own delays, may be added to the standard fee charged for the forms provided to that end user.

(12) Distributors shall provide end users with instruction and training on the use, control and fees for the forms. Instructions on the control of the forms shall include information that the forms may only be used by the end user, and that blank forms may not be sold or otherwise provided to other parties.

(13) Nothing in this rule shall prevent a distributor from authorizing another party to perform the duties of the distributor under this rule.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 821.060, 821.080 & Ch. 873, OL 1991  
Stats. Implemented: ORS 803.124 & 49 CFR Part 580  
Hist.: MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**735-028-0140**

**Control of Secure Forms — Termination of Forms Distributor Approval**

(1) A forms distributor approval may be terminated:

(a) Upon 60 days written notice from the distributor to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV); or

(b) Upon written notice from DMV to the distributor. DMV may terminate the distributor's approval as provided in OAR 735-028-0110 for failure of the other party to perform the duties of the distributor.

(2) When approval is terminated under this rule, the distributor shall:

(a) Purchase no more forms from the vendor or DMV; and

(b) Make arrangements with DMV, as provided in section (3) of this rule, for the disposal of any remaining forms in the distributor's inventory.

(3) Upon termination of approval, the terminated distributor shall, at the option of DMV:

(a) Sell any remaining forms in the distributor's inventory to end users; or

(b) Return any unsold forms to DMV as provided in this subsection:

(A) If approval is terminated by DMV with less than 60 days written notice, DMV shall purchase any remaining forms from the distributor at the price paid by the distributor;

(B) If approval is terminated by DMV with 60 days or more written notice, DMV shall not be obligated to purchase any remaining forms from the distributor;

(C) If approval is terminated by the distributor, DMV shall not be obligated to purchase any remaining forms from the distributor.

(4) DMV may terminate a distributor's approval if another party authorized by the distributor under OAR 735-028-0130(12) fails to perform the duties of the distributor.

Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 821.060, 821.080 & Ch. 873, OL 1991  
Stats. Implemented: ORS 803.124 & 49 CFR Part 580  
Hist.: MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**735-028-0150**

**Control of Secure Forms — End User Responsibilities**

An end user who purchases forms from a forms distributor or the Driver and Motor Vehicle Services Division of the Department of Transportation:

(1) Shall only use the forms in conjunction with transfers of interest in vehicles the end user owned, currently owns or for which the end user is granted power of attorney.

(2) Shall not provide the forms to other parties except as required to complete a transfer of a vehicle as described in section (1) of this rule.

(3) Shall not sell the forms to other parties.  
Stat. Auth.: ORS 802.010, 802.200, 803.015, 803.045, 803.050, 803.065, 803.092, 803.094, 803.097, 803.102, 803.120, 803.122, 803.124, 803.126, 803.140, 803.207, 803.370, 803.475, 805.120, 821.060, 821.080 & Ch. 873, OL 1991  
Stats. Implemented: ORS 803.124 & 49 CFR Part 580  
Hist.: MV 18-1992, f. 12-21-92, cert. ef. 1-1-93

**DIVISION 30**

**GENERAL REGISTRATION PROVISIONS**

**735-030-0000**

**HVUT Definitions**

As used in OAR 735-030-0000 through 735-030-0020, unless the context requires otherwise:

(1) "HVUT" means the Federal Heavy Vehicle Use Tax levied on certain vehicles.

(2) "IRS" means the Internal Revenue Service of the United States.

(3) "Tax Period" means the Federal Heavy Vehicle Use Tax period running from July 1 to June 30 of the following year.

(4) "Received" means stamped by the IRS indicating that payment has been received or that the tax was suspended.

(5) "Un-Received" means not stamped by the IRS indicating that payment has been received or that the tax was suspended.

Stat. Auth.: ORS 802.010 & 803.370  
Stats. Implemented: ORS 803.370  
Hist.: MV 35-1987, f. 11-18-87, ef. 12-1-87; Administrative Renumbering 3-1988, Renumbered from 735-100-0350

**735-030-0010**

**Vehicles Subject to or Exempt from Providing HVUT Documentation**

(1) Applications for registration or renewal of registration of the following vehicles shall include proof of HVUT compliance:

(a) A vehicle being registered for a registration period that begins prior to January 1, 1990, that:

(A) Is registered by loaded weight and is a motor vehicle with a registration weight of 20,001 pounds or more; or

(B) Is registered by unloaded weight (e.g., vehicles registered under ORS 805.300) and is a motor vehicle registered at an unloaded weight of 8,001 pounds or more.

(b) A vehicle being registered for a registration period that begins on or after January 1, 1990, and is a motor vehicle registered at a combined gross vehicle weight of 55,000 pounds or more; and

(c) School busses and school activity vehicles registered under ORS 805.050.

(2) Proof shall be for the current tax period during which the registration is applied for, except:

(a) For vehicles being registered for registration periods that begin prior to January 1, 1990, and where Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) records show that an exemption has been filed, no further documentation shall be required so long as there is no change in vehicle ownership; or

(b) When registration is applied for between July 1 and September 30 of any given year, in which case proof from the previous tax period shall be acceptable.

(3) Vehicles which are exempt from providing HVUT documentation are:

(a) Motor homes;

(b) Vehicles registered under ORS 805.040;

(c) All self-propelled fixed load vehicles as defined under ORS 801.285 and that have a registered weight in excess of 3,000 pounds; and

(d) Any other vehicle not described in section (1) of this rule.

Stat. Auth.: ORS 802.010, 803.370 & Ch. 723 (OL 1989)

Stats. Implemented: ORS 803.370

Hist.: MV 35-1987, f. 11-18-87, ef. 12-1-87; Administrative Renumbering 3-1988, Renumbered from 735-100-0360; MV 45-1989, f. & cert. ef. 10-16-89

### 735-030-0020

#### HVUT Proof

Proof of HVUT compliance may be in the form of:

(1) An original or photocopy of a receipted Schedule 1 portion of the IRS Form 2290 for the current tax period;

(2) A photocopy of both pages of an un-receipted IRS Form 2290 for the tax period in which application for registration was made plus proof of payment. Proof of payment may be in the form of:

(a) A canceled check showing payment was made to the IRS;

(b) A photocopy of the front and back of a canceled check showing that payment was made to the IRS; or

(c) Documentation provided by a bank or financial institution indicating that payment of HVUT has been made to the IRS.

(3) An indicator on the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) computer record for the vehicle showing that proof of compliance was previously provided for the current tax period;

(4) A receipted Schedule 1 portion of the Form 2290 for taxable period immediately preceding those months if the vehicle is being registered or renewed in July, August or September; or

(5) Documentation from the IRS which indicates the tax has been filed or reported to the IRS.

(6) Proof that the HVUT has been suspended, such as:

(a) An original or photocopy of a current, receipted Schedule 1 portion of the IRS Form 2290;

(b) Documentation from the IRS which indicates the tax has been suspended; or

(c) A photocopy of both pages of an unreceipted IRS Form 2290 showing that a suspension was applied for.

(7) Proof of exemption from having to show proof of payment or suspension of the tax, such as:

(a) The original or photocopy of a bill of sale or other documents which show the vehicle was purchased by the owner during the sixty days immediately prior to the date the application for registration was received by DMV;

(b) A signed statement from the applicant that the vehicle is considered a non-highway vehicle under federal law (**Section 4481 of the 1954 Internal Revenue Code**, as amended by **97-424 Public Law**, July 1, 1984, and **Subsection 4481-4483 of Title 26 of the 1984 Code of Internal Revenue**); or

(c) For school busses and school activity vehicles registered under ORS 805.050, a statement from the applicant that the vehicle is government owned or operated or that the combined gross vehicle weight is less than 55,000 pounds.

Stat. Auth.: ORS 802.010, 803.370 & Ch. 723 (OL 1989)

Stats. Implemented: ORS 803.370

Hist.: MV 35-1987, f. 11-18-87, ef. 12-1-87; Administrative Renumbering 3-1988, Renumbered from 735-100-0370; MV 27-1988, f. & cert. ef. 12-1-88; MV 45-1989, f. & cert. ef. 10-16-89

## DIVISION 32

### REGISTRATION PLATES AND FEES

#### 735-032-0000

##### Replacement and Duplicate Registration Plates

(1) For the purpose of this rule the following definitions apply:

(a) "Replacement plate(s)" means the registered plate(s) that:

(A) Is issued when the plate(s) last assigned to a vehicle is lost, destroyed or mutilated, as provided in ORS 803.530; and

(B) Bears a different number or letter sequence than the plate(s) last assigned to that vehicle.

(b) "Duplicate plate(s)" means the registration plate(s) that:

(A) Is issued when the last plate(s) assigned to a vehicle is lost, mutilated or destroyed as provided in ORS 803.530; and

(B) Bears the same number or letter sequence as the plate(s) last assigned to the vehicle.

(2) If a registration plate(s) is lost (including loss by theft), mutilated or destroyed the vehicle owner may make application to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) for replacement or duplicate plates.

(3) To obtain replacement or duplicate plates the vehicle owner must make application to DMV and:

(a) Pay the replacement or duplicate plate fee as provided in ORS 803.575;

(b) Pay the plate manufacturing fee when required under ORS 803.570 and as provided in OAR 735-032-0010; and

(c) Meet any other applicable requirements for the title and registration of the vehicle.

(4) DMV will determine whether the plates issued are required to be issued as duplicate plates or replacement plates. In most cases, DMV will issue replacement plates.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.530, 803.570 & 805.200

Stats. Implemented: ORS 803.530

Hist.: MV 29-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-100-0300; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05

#### 735-032-0010

##### Registration Plate Fee

(1) As provided in ORS 803.570 the Driver and Motor Vehicle Services Division of the Department of Transportation shall establish by rule the fee for each registration plate issued and for each set of two plates issued. The fee may not exceed \$3 for one plate and \$5 for a set of two plates. This fee shall be charged each time a plate(s) is issued, except as otherwise provided by law.

(2) The fee shall be:

(a) \$3.00 if a single plate is issued; or

(b) \$5.00 if two plates are issued.

Stat. Auth.: ORS 184.616, 184.619 & 803.570

Stats. Implemented: ORS 803.570

Hist.: MV 29-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-100-0310; MV 21-1988, f. 6-29-88, cert. ef. 7-1-88; DMV 4-1997, f. 1-24-97, cert. ef. 4-1-97; DMV 5-2003(Temp), f. 5-14-03, cert. ef. 7-1-03 thru 12-27-03; DMV 32-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 8-2004, f. & cert. ef. 5-24-04

#### 735-032-0020

##### Plates Considered Void

(1) Registration plates that are surrendered to DMV are considered void and may not be used to register or operate a vehicle again. This does not apply to plates surrendered to DMV in error and that have not already been destroyed.

(2) When a dismantler issued a certificate under ORS 822.110 acquires a wrecked vehicle with Oregon registration plates the plates are considered void and may not be used to register or operate a vehicle again. For purposes of this rule, "acquires" means physical possession of a motor vehicle together with possession of the vehicle's ownership record.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.210, 803.380, 819.010 - 819.030 & 822.100 - 822.145

Stats. Implemented: ORS 809.080 & 809.110

Hist.: MV 29-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-100-0320; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-032-0030****Display of Temporary Registration Permits**

(1) Except as otherwise provided in this rule temporary registration permits for self-propelled vehicles shall be placed on the driver's side of the vehicle in the lower corner of the rear window.

(2) Temporary registration permits may be placed in areas other than as provided in section (1) of this rule in situations where placement in the rear window is not possible or is impractical, including not limited to situations where:

- (a) The vehicle is not equipped with a rear window;
- (b) The permit would not be visible or legible from outside the vehicle if it were placed in the rear window;
- (c) The vehicle is a motorcycle, snowmobile, or Class I all-terrain vehicle;
- (d) The permit was issued by teletype or transceiver;
- (e) The vehicle has louvers placed over the rear window which are attached to the vehicle; or
- (f) The vehicle is a pickup truck with a camper attached.

(3) When a temporary registration is not required to be placed in the rear window as provided in section (2) of this rule, it shall be placed in the lower right-hand corner of the rear side window on the driver's side of the vehicle if the vehicle is equipped with one. If the vehicle does not have a rear side window on the driver's side of the vehicle, the permit shall be placed as follows:

- (a) In the rear window of a camper, canopy or similar equipment when the permit is issued to the pickup carrying such equipment;
- (b) On the dashboard on the driver's side of the vehicle visible through the windshield; or
- (c) In the vehicle in a manner readily accessible for inspection upon request, when the permit is issued by teletype or transceiver, or where placement in any of the other allowed locations is not possible or practical.

(4) Temporary registration permits for non-self-propelled vehicles shall be carried in either the transporting vehicle or the vehicle which is being towed. In either case the permit shall be carried in a manner that makes it readily available for inspection upon request.

Stat. Auth.: ORS 802.010, 803.615, 803.625, 803.650 & 803.655  
 Stats. Implemented: ORS 803.635  
 Hist.: MV 1-1989, f. & cert. ef. 1-3-89

**735-032-0040****Application of Heavy Motor Vehicle Registration Fees**

(1) The provisions of this rule apply to a decrease in registration fees established by Chapter 880, Oregon Laws 1991 (Enrolled HB 2223).

(2) When application is made for renewal of registration for a registration period that begins prior to January 1, 1992 (e.g., September expiration plates which are renewed for a period beginning October 1, 1991) the applicant shall pay the registration renewal fee in effect before January 1, 1992.

(3) When application is made for registration or renewal of registration for a period beginning on or after January 1, 1992, the applicant shall pay the fees in effect on January 1, 1992.

Stat. Auth.: ORS 802.010, 803 & Ch. 880, OL 1991  
 Stats. Implemented: ORS 803.420  
 Hist.: MV 19-1989, f. & cert. ef. 9-18-89; MV 29-1991, f. 12-16-91, cert. ef. 1-1-92

**735-032-0050****Application of Vehicle Registration Fees**

(1) The provisions of this rule apply to an increase in registration fees.

(2) When application is made for renewal of registration for a registration period that begins prior to a fee increase (e.g., September expiration plates which are renewed for a period beginning October 1, 1993, and the fee increase takes effect January 1, 1994), the applicant shall pay the registration renewal fee in effect before the fee increase.

(3) When application is made for registration or renewal of registration for a period beginning on or after a fee increase (e.g., December expiration plates which are renewed for a period beginning January 1, 1994, and the fee increase takes effect January 1, 1994), the applicant shall pay the increased fees regardless of the date the payment is made.

Stat. Auth.: ORS 184.616  
 Stats. Implemented: ORS 803.420  
 Hist.: MV 10-1993, f. 10-22-93, cert. ef. 11-4-93

**DIVISION 34****VEHICLE PERMITS****735-034-0000****Definitions of Trip Permit Agents**

As used in OAR 735-034-0000 to 735-034-0010 and any agreement entered in under OAR 735-034-0005:

(1) A "trip permit agent" or "agent" is an entity designated by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) to issue trip permits on behalf of DMV.

(2) "Entity" is a person, agency, or business and includes a federal, state, county or municipal agency.

(3) A "General Trip Permit Agent" is an agent authorized to issue light vehicle trip permits, recreational vehicle trip permits, registration weight trip permits, registered vehicle trip permits, and heavy motor vehicle and heavy trailer trip permits.

(4) A "Heavy Vehicle Trip Permit Agent" is an agent authorized to issue heavy vehicle trip permits for their own vehicles or vehicles under their control.

(5) A "Restricted Trip Permit Agent" is an out-of-state dealer authorized as an agent to issue light vehicle trip permits to customers whose vehicles will be titled and registered in Oregon.

Stat. Auth.: ORS 184.616, 184.619, 803.600 - 803.650 & 806.080  
 Stats. Implemented: ORS 803.600  
 Hist.: MV 19-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-110-0050; MV 13-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 9-1998, f. & cert. ef. 8-20-98; DMV 14-2001, f. & cert. ef. 8-13-01

**735-034-0005****Requirements for Designation as a Trip Permit Agent**

Unless otherwise designated as an agent by statute or administrative rule, an entity may become a trip permit agent if:

(1) The entity enters into an agreement with DMV to be designated as a trip permit agent;

(2) The entity agrees to abide by all Oregon statutes and DMV rules regarding the issuance and sale of trip permits; and

(3) DMV, in its judgment, determines it is in the interest and convenience of the motoring public to approve the entity as a trip permit agent.

Stat. Auth.: ORS 184.616, 184.619, 190.110, 803.600 - 803.650 & 806.080  
 Stats. Implemented: ORS 803.600  
 Hist.: DMV 14-2001, f. & cert. ef. 8-13-01

**735-034-0010****Procedures for Issuance of Trip Permits**

(1) This rule describes the procedures and requirements for vehicle trip permits issued under the authority of ORS 803.600. Vehicle trip permits may be issued by:

(a) A trip permit agent pursuant to ORS 803.600 and OAR 735-034-0005;

(b) A vehicle dealer pursuant to ORS 802.031 and OAR 753-150-0040, including a vehicle dealer who issues 10-day trip permits as described under ORS 803.600; or

(c) A towing business that issues 10-day trip permits as described under ORS 803.600.

(2) A person described under section (1) of this rule must comply with the following requirements:

(a) Unless otherwise authorized in writing by DMV, trip permits must be purchased from DMV in advance.

(b) Each trip permit issued must be legibly completed with the following information:

(A) The name and address of the vehicle's registered owner or the person applying for the trip permit. The name and address is recorded on the issuer's copy and DMV's copy of the permit;

(B) The driver license number of the vehicle's registered owner or the person applying for the trip permit, if available. Nothing may be written on the purchaser's (window) copy of the permit to identify the person to whom the permit was issued;

(C) A complete vehicle description, including the year, make, body style and vehicle identification number (VIN);

(D) The written signature of the person who issues the permit. This must include at least the person's full first and last name;

(E) The identification number of the trip permit agent, if one has been assigned by DMV, or the certificate number of the dealer or towing business;

(F) The effective date and expiration date of the permit;  
 (G) For a registration weight trip permit, the registration weight of the vehicle.

(c) For a light vehicle trip permit, the person who issues the permit must require the applicant to sign a certification stating:

- (A) The insurance company name and policy number; and
- (B) The motor vehicle is covered by an insurance policy that meets the requirements of ORS 806.080 and will continue to be covered as long as the permit is valid.

(d) A vehicle dealer or towing business that issues a 10-day trip permit:

- (A) Must ensure the Oregon registration stickers have been removed in accordance with 803.565;
- (B) May not issue more than two permits for the same motor vehicle; and

(C) Must require the person applying for the permit to provide the insurance company name and policy number on the permit, and sign the certificate on the permit stating that the motor vehicle is covered by an insurance policy that meets the requirements of ORS 806.080 and will continue to be covered as long as the permit is valid.

(e) For a recreational vehicle trip permit, the person who issues the permit must require the applicant to:

(A) Provide proof of ownership as described in OAR 735-034-0050;

(B) Sign a certification stating that the applicant has not been issued recreational vehicle trip permits that when included with the permit being applied for, would grant more than 10 days vehicle operation for the preceding 12 months;

(C) Provide the insurance company name and policy number if the trip permit is for a motor home; and

(D) Sign the certificate on the permit, stating that the recreational vehicle is covered by an insurance policy that meets the requirements of ORS 806.080 and will continue to be covered as long as the permit is valid if the trip permit is for a motor home.

(f) A person authorized to issue a trip permit under section (1) of this rule:

(A) Must send DMV's copy of the permit to DMV within seven (7) days of the date a permit is issued; and

(B) May not loan, transfer or assign a trip permit to any other person.

(3) Any alteration of the permit information will automatically void the permit:

(a) When a trip permit is voided, the trip permit agent, vehicle dealer, or towing business must return the vehicle (purchaser's) copy and DMV's copy to DMV within seven (7) days of the date it was voided, along with an explanation of why the permit was voided. If either copy of the voided permit is unavailable for submission to DMV, the explanation must state the reason; and

(b) If DMV is satisfied that a prepaid permit was not used for the operation of a vehicle, DMV will refund the prepaid permit fee to the trip permit agent, vehicle dealer or towing business that purchased the permits from DMV.

(4) Upon receipt of a written request from a trip permit agent, vehicle dealer or towing business subject to this rule, DMV will refund the fee amount for each unissued prepaid permit.

(5) Upon DMV's written request, a trip permit agent, vehicle dealer or towing business subject to this rule must immediately cease issuing permits and immediately return all unused trip permits to DMV. DMV will issue a refund to the trip permit agent, vehicle dealer or towing business for any unused prepaid permits returned to DMV.

(6) DMV may revoke the authority of a trip permit agent, vehicle dealer or towing business to issue trip permits for failure to comply with the provisions of this rule, or at any time DMV determines it is no longer in the interest and convenience of the motoring public or a change in state or federal law or regulation prohibit the designation.

(7) The failure of a trip permit agent, vehicle dealer or towing business to comply with the provisions of this rule may result in the revocation of the authority to issue trip permits.

Stat. Auth.: ORS 184.616, 184.619, 803.600 - 803.650 & 806.080  
 Stats. Implemented: ORS 803.565, 803.600, 803.602 & 803.645  
 Hist.: MV 19-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-110-0060; MV 2-1989, f. & cert. ef. 1-3-89; MV 13-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 9-1998, f. & cert. ef. 8-20-98; DMV 14-2001, f. & cert. ef. 8-13-01; DMV 28-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 8-2002, f. & cert. ef. 4-12-02; DMV 28-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 9-2004, f. & cert. ef. 5-24-04; DMV 7-2005, f. & cert. ef. 2-16-05

**735-034-0020**

**When Registered Vehicle Trip Permit May Not Be Purchased**

(1) Registered Vehicle Trip Permits may not be purchased in those situations where:

- (a) The vehicle is currently registered; and
- (b) The registration is of a type where the owner is required to certify (under penalty) that the vehicle will not be used for purposes not allowed under the registration type.

(2) Examples of those situations where Registered Vehicle Trip Permits may not be purchased include:

- (a) Vehicles currently registered under farm registration under ORS 805.300; and
- (b) Vehicles currently registered under proportional farm registration under ORS 805.400.

Stat. Auth.: ORS 802.010, 803.600 - 803.645 & 805.300 - 805.400  
 Stats. Implemented: ORS 803.600  
 Hist.: MV 19-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-110-0070

**735-034-0040**

**Display of Trip Permits**

(1) Except as otherwise provided in this rule, trip permits for self-propelled vehicles shall be placed on the driver's side of the vehicle in the lower corner of the rear window.

(2) Trip permits may be placed in areas other than as provided in section (1) of this rule in situations where placement in the rear window is not possible or is impractical, including but not limited to situations where:

- (a) The vehicle is not equipped with a rear window;
- (b) The permit would not be visible or legible from outside the vehicle if it were placed in the rear window;
- (c) The vehicle is a motorcycle, snowmobile, or Class 1 all-terrain vehicle;
- (d) The permit was issued by teletype or transceiver;
- (e) The vehicle has louvers placed over the rear window which are attached to the vehicle; or
- (f) The vehicle is a pickup truck with a camper attached.

(3) When a trip permit is not required to be placed in the rear window as provided in section (2) of this rule, it shall be placed in the lower right-hand corner of the rear, side window on the driver's side of the vehicle if the vehicle is equipped with one. If the vehicle does not have a rear side window on the driver's side of the vehicle, the permit shall be placed as follows:

- (a) In the rear window of a camper, canopy or similar equipment when the permit is issued to the pickup carrying such equipment;
- (b) On the dashboard on the driver's side of the vehicle visible through the windshield; or
- (c) In the vehicle in a manner readily accessible for inspection upon request, when the permit is issued by teletype or transceiver, or where placement in any of the other allowed locations is not possible or practical.

(4) Trip permits for non-self propelled vehicles shall be carried in either the transporting vehicle or the vehicle which is being towed. In either case the permit shall be carried in a manner that makes it readily available for inspection upon request.

Stat. Auth.: ORS 802.010, 803.030, 803.600 - 803.645 & Ch. 166, OL 1987  
 Stats. Implemented: ORS 803.600  
 Hist.: MV 19-1986, f. & ef. 12-1-86; MV 13-1987, f. & ef. 9-16-87; Administrative Renumbering 3-1988, Renumbered from 735-110-0090

**735-034-0050**

**Issuing Trip Permits**

(1) The following procedures and requirements apply to the issuance of vehicle trip permits under ORS 803.600.

(2) Trip permits are issued and are valid for a period of consecutive days based on permit type.

(3) Except as described in subsection (e) of this section, a registration weight trip permit is required for a vehicle under the following circumstances:

- (a) The vehicle is registered in Oregon by loaded weight and the weight exceeds the registration weight of the vehicle declared under ORS 803.435;
- (b) The vehicle is registered in Oregon by combined weight, and the combined weight exceeds the registration weight declared under ORS 803.435; or

(c) The vehicle is a commercial vehicle registered by combined weight under ORS 826.009, 826.011 or 826.031, and the weight exceeds the registration weight declared under ORS 826.015.

(d) If the vehicle is registered by combined weight under subsection (b) or (c) of this section, a registration weight trip permit is only issued to the motor vehicle used to tow a trailer or load.

(e) Subsection (b) of this section does not apply to a vehicle registered by combined weight, if the vehicle is towing a person's own commercial fishing boat and the combined weight of the vehicle, boat and trailer is 15,000 pounds or less.

(4) A heavy motor vehicle trip permit or heavy trailer trip permit may only be issued to vehicles that are not registered in Oregon. Either permit authorizes the operation of a single, unregistered vehicle. For example, if a truck/trailer combination is not registered in Oregon, and is not operating under the authority of an interstate reciprocity agreement, then both the truck and the trailer must obtain a permit. If, however, one of the two vehicles is registered, for example, the trailer, then only the truck is required to have a permit.

(5) An applicant for a recreational vehicle trip permit must:

(a) Certify that during the preceding 12-month period they have not been issued recreational vehicle trip permits that when included with the permit being applied for would grant more than 10 days operation for the vehicle listed on the permit;

(b) Provide proof satisfactory to DMV that the applicant is the owner of the camper, travel trailer or motor home listed on the permit application. Proof DMV may consider includes a valid certificate of title, a bill of sale or other ownership document as described in OAR 735-022-0000; and

(c) If the permit is for a motor home, provide the name and policy number of the current insurance carrier and certify that the motor home is covered, and will continue to be covered by insurance as required by ORS 806.080 for as long as the permit is valid.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.600, 803.625, 803.635, 803.640, 803.655, Ch. 50, OL 2007

Stats. Implemented: ORS 801.420, 803.430, 803.600, 803.625, 803.635, 803.640, 803.655, 803.665, 806.080, 810.490, Ch. 50, OL 2007

Hist.: MV 52-1989, f. & cert. ef. 12-1-89; MV 13-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 9-1998, f. & cert. ef. 8-20-98; DMV 8-2002, f. & cert. ef. 4-12-02; DMV 8-2007(Temp), f. & cert. ef. 5-24-07 thru 11-18-07; DMV 10-2007, f. & cert. ef. 10-17-07

## DIVISION 40

### PARTICULAR VEHICLES/PERSONS

#### 735-040-0000

##### Special Interest Registration

(1) "Established Organization" for the purpose of this rule is as defined in OAR 735-040-0010.

(2) "Sanctioned By" for the purpose of this rule means the vehicle has been appraised under the standards set by an established organization, and the vehicle has received a certification from the organization that this vehicle qualifies, based on these standards, as a vehicle of special interest.

(3) "Special Interest Registration" means the permanent registration under ORS 805.020 for vehicles of special interest. Also any documents or devices issued or approved as evidence of that registration.

(4) "Vehicle of Special Interest" is as defined in ORS 801.605.

(5) To qualify for special interest registration the vehicle owner shall submit to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV):

(a) A declaration verifying that the vehicle qualifies as a vehicle of special interest and that the vehicle will be maintained as a collector's item;

(b) A certification from an established organization verifying that they sanctioned the vehicle as a vehicle of special interest. This certification shall not be required for vehicles having a year model that is at least 25 years old on the date of application; and

(c) The permanent registration fee established under ORS 803.420(7).

(6) The vehicle owner shall meet all other applicable requirements for title and registration.

(7) DMV shall provide forms for the purpose of compliance with section (5) of this rule. DMV may approve declarations or certifications on forms other than those provided by DMV.

(8) Vehicles of special interest may be registered:

(a) With special interest registration plates furnished by the applicant and approved by DMV as provided in ORS 805.210; or

(b) With registration plates issued by DMV for the purpose of reflecting special interest registration. Such plates shall have an (SP) prefix.

Stat. Auth.: ORS 801.605, 802.010, 803, 805.020, 805.030 & 805.210

Stats. Implemented: ORS 801.605 & 805.020 - 805.030

Hist.: MV 9-1980, f. & ef. 5-27-80; MV 28-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-071-0057

#### 735-040-0010

##### Established Organizations — Vehicles of Special Interest

(1) "Established Organization" for the purpose of this rule and OAR 735-040-0000 means an organization that:

(a) Has a charter or set of bylaws providing for the preservation, promotion, appreciation or display of vehicles of special interest or antique vehicles, or is a recognized entity formed under the laws of a parent organization that has such a charter or bylaws;

(b) Has a set of standards relating to upkeep and to the preservation of vehicles identified in such charter or bylaws;

(c) Has a membership of at least ten people;

(d) Is recognized within the State of Oregon by at least four other organizations as promoting the preservation of vehicles of special interest; and

(e) Has made application to Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) and has been designated as an "established organization" by DMV.

(2) DMV shall designate organizations as established organizations. Only those so designated shall sanction vehicles as vehicles of special interest for the purpose of registration under ORS 805.020.

(3) Organizations who want to be so designated shall file with DMV all of the following:

(a) A copy of their charter or by-laws;

(b) A copy of their standards for vehicles whose preservation they promote;

(c) The names and addresses of persons within their organization who are authorized to verify that particular vehicles meet the organization's standards, and are sanctioned as vehicles of special interest; and

(d) A letter(s) from four other such organizations indicating that the organization is recognized for promoting the preservation of special interest vehicles.

(4) DMV shall notify organizations of their designation as an established organization when their request has been approved.

(5) Established organizations shall:

(a) Maintain current information on file with DMV at all times on the names and addresses of persons authorized to sanction vehicles as vehicles of special interest;

(b) Maintain current information on file with DMV at all times on the organization's charter, bylaws and standards;

(c) Not limit their sanctioning of vehicles to vehicles owned by members of their organization;

(d) Notify DMV within 30 days from the date the organization ceases to meet any of the requirements for designation as an established organization; and

(e) Notify DMV immediately should the organization choose to no longer sanction vehicles as vehicles of special interest for the purpose of vehicle registration.

(6) DMV may cancel an organization's designation as an established organization if DMV determines that:

(a) The organization does not meet the requirements for designation as an established organization;

(b) The organization has provided a false certification sanctioning a vehicle as a vehicle of special interest; or

(c) The organization has failed to comply with section (5) of this rule.

Stat. Auth.: ORS 801.605, 802.010, 803, 805.020, 805.030 & 805.210

Stats. Implemented: ORS 801.605 & 805.020 - 805.030

Hist.: MV 28-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-100-0040

#### 735-040-0020

##### Definition of a Federally Recognized Indian Tribe

As used in ORS 805.040, a "federally recognized Indian tribe" means any Indian tribe, band, nation or other organized group or com-



munity of Indians recognized as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians.

Stat. Auth.: ORS 802.010 & 805.040  
 Stats. Implemented: ORS 805.040  
 Hist.: MV 19-1985, f. 12-30-85, ef. 1-1-86; Administrative Renumbering 3-1988, Renumbered from 735-100-0020

**735-040-0030**

**Documents Needed to Issue Disabled Veteran Registration Plates**

In addition to any other registration requirements, an applicant for disabled veteran registration plates must submit the following to DMV:

(1) A completed and signed Application for Disabled Veteran Plates (DMV Form 6736) and all applicable fees.

(2) A letter issued by the U.S. Department of Veterans Affairs or any branch of the Armed Forces of the United States, that states the applicant was discharged under honorable conditions and:

(a) Is a veteran with a service-related disability who completed 90 days of active duty; or

(b) Was discharged because of a service-related injury or illness prior to the completion of the minimum service period.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 805.100  
 Stats. Implemented: ORS 805.100  
 Hist.: MV 27-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-100-0050; MV 22-1989, f. & cert. ef. 10-3-89; DMV 6-1996, f. & cert. ef. 8-15-96; DMV 2-1998, f. & cert. ef. 2-19-98; DMV 16-2006, f. & cert. ef. 11-17-06

**Group Plates for Veterans' Organizations, Higher Education and Non-profit Groups**

**735-040-0040**

**Definitions**

As used in OAR 735-040-0040 through 735-040-0100:

(1) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(2) "Group plates" means plates issued under ORS 805.205 for veterans' organizations institutions of higher education and non-profit groups who are tax exempt under 501(c)(3) of the Internal Revenue Code.

(3) "Group" means any organization or institution that applies for or receives approval for the issuance of group plates naming or describing that organization or the institution that they represent.

(4) "Institution of Higher Education" or "institution" means a post secondary institution that has been awarded and currently holds accreditation by the respective commissions of one of six regional accrediting associations that include the:

- (a) Northwest Association of Schools and Colleges;
- (b) Middle States Association of Colleges and Schools;
- (c) New England Association of Schools and Colleges;
- (d) North Central Association of Colleges and Schools;
- (e) Southern Association of Colleges and Schools; and
- (f) Western Association of Schools and Colleges.

(5) "Non-profit group" means a non-profit group that meets the qualifications for tax exempt status under section 501(c)(3) of the Internal Revenue Code.

(6) "An expression of political opinion" includes words, letters or names that:

(a) Connote or denote issues commonly associated with politics or the political process;

(b) Connote or denote social issues or causes that have become factionalized and thus have taken on their own political status (e.g., abortion, environmental issues, etc.);

(c) Connote or denote a definable class of persons and that ridicule or support superiority of that class; or

(d) Promote or discourage social causes, or that ridicule or support superiority of a class or are political.

(7) "An expression of religious belief" means words, letters or names that affirm or support a particular religion or creed, express adherence to a particular sect or denomination, express belief in or the absence of belief in a supreme being or promote or discourage any form of exercise of religion.

(8) "Veterans' organization" means organizations or groups that meet the eligibility requirements under OAR 735-040-0050.

Stat. Auth.: ORS 184.616 & 805.205  
 Stats. Implemented: ORS 805.205  
 Hist.: DMV 2-1994, f. & cert. ef. 3-17-94; DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95

**735-040-0050**

**Qualifications; Veterans Group Plates**

(1) To request issuance of veterans group plates a veterans group must qualify by submitting written documentation sufficient to satisfy DMV that:

(a) The group is a nonprofit group that represents veterans of the Armed Forces of the United States, or is established for the purpose of supporting or recognizing such veterans;

(b) The group has an established membership, that includes officers and bylaws; and

(c) The group is physically located in Oregon or has a chapter that is physically located in Oregon.

(2) The applicant must submit an application and fees to DMV that complies with OAR 735-040-0080.

Stat. Auth.: ORS 184.616 184.619, 805.205 & 805.206  
 Stats. Implemented: ORS 805.205 & 805.206  
 Hist.: DMV 2-1994, f. & cert. ef. 3-17-94; DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04

**735-040-0055**

**Qualifications; Higher Education Group Plates**

(1) To request issuance of Higher Education group plates an institution of higher education must qualify by submitting written documentation sufficient to satisfy DMV that:

(a) The group is physically located in Oregon or has a chapter that is physically located in Oregon; and

(b) The group is an institution of higher education or is representing an institution of higher education to obtain group plates for that institution.

(2) The applicant must submit an application and fees to DMV that complies with OAR 735-040-0095.

Stat. Auth.: ORS 184.616 184.619, 805.205 & 805.206  
 Stats. Implemented: ORS 805.205 & 805.206  
 Hist.: DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04

**735-040-0061**

**Qualifications; Non-Profit Group Plates**

(1) To request issuance of non-profit group plates a non-profit organization must qualify by submitting written documentation sufficient to satisfy DMV that:

(a) The group is physically located in Oregon or has a chapter that is physically located in Oregon; and

(b) The group is registered with the IRS as a 501(c)(3) non-profit corporation or foundation. Such proof must be a copy of the ruling or determination letter issued by the IRS granting tax-exempt status under 501(c)(3), and must include a federal identification number or IRS identification number for the 501(c)(3) non-profit corporation.

(2) The applicant must submit an application and fees to DMV that complies with OAR 735-040-0097.

Stat. Auth.: ORS 184.616 184.619, 805.205 & 805.206  
 Stats. Implemented: ORS 805.205 & 805.206  
 Hist.: DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04

**735-040-0070**

**Plate Design**

(1) Group plates shall:

(a) As provided under ORS 805.205, be from the "current regular issue," which as used here means:

(A) The plate design currently in use for most vehicles registered with DMV, whether or not that is the design used for all vehicle or registration types for which group plates may be issued; and

(B) Is the plate design chosen by the Oregon Transportation Commission from entries in the contest held pursuant to Chapter 572, Oregon Laws, 1987, but with the blue sky as provided by ORS 803.538.

(b) Contain plate configurations (identification assigned by DMV) and a word, words or initials naming or describing the group, and any other information determined by DMV, the design and placement of which shall be determined by DMV.

(2) All of the following apply to the word, words or initials used to name or describe the group. They shall:

- (a) Be determined by DMV after consultation with the group;
- (b) Contain only alphabetic (A-Z) or numeric (0-9) characters;

- (c) Be distinctive so as to distinguish the group from similar groups and from any other registration or plate type;
  - (d) Conform to the restrictions in ORS 805.205;
  - (e) Not contain words prohibited under DMV's custom plate rules (OAR 735-046-0000 and 735-046-0010). DMV shall apply the same standards as used in the custom plate rules when determining whether to preclude a word(s) under this subsection or to take cancellation action on any plates that may have been issued;
  - (f) Be made part of the plate through the plate manufacturing process and not be in the form of a sticker or decal;
  - (g) Be of the same color as is used for the plate configuration;
  - (h) Be of a size and style and limited in number of characters, as determined by DMV, so as to:
    - (A) Fit in the available space;
    - (B) Be readable;
    - (C) Not interfere with other portions of the plate or make those other portions less distinguishable from a distance; and
    - (D) Be consistent in design with similar plates issued by DMV.
- Stat. Auth.: ORS 184.616 & 805.205  
 Stats. Implemented: ORS 805.205  
 Hist.: DMV 2-1994, f. & cert. ef. 3-17-94

**735-040-0080**  
**Application, Approval and Renewal Process for Veterans Group Plates**

- (1) A veterans group that is qualified to apply for group plates under OAR 735-040-0040 and 735-040-0050 must submit the following to DMV:
  - (a) A completed and signed Application for Approval of Veterans Group Plates (DMV Form 7069);
  - (b) A \$10,000 application fee at the time of application. This fee is in addition to any other fee required by law or rule;
  - (c) Fees to cover DMV's anticipated administrative expenses related to the design and production of the veterans group plates requested. At the time of application, DMV will estimate the costs, including but not limited to computer programming costs, plate design costs, color costs and vendor set-up fees, which must be paid prior to approval of the application;
  - (d) The written documentation required under OAR 735-040-0050, including a copy of the group's bylaws, organization papers or other documents that show it is a veterans organization;
  - (e) The names and addresses of the group's current directors or officers, and the name, address and phone number of the group's authorized representative. The authorized representative is the person authorized to apply for veterans group plates on behalf of the group and is the contact person for DMV on any matter related to the group plates;
  - (f) The word(s), or initials the group is requesting for use on the plate to identify the group. DMV must approve and authorize any request before it may be used on a veterans group plate;
  - (g) A certification or other evidence as may be required by DMV that the group has the authority to use the requested word(s), or initials on a registration plate;
  - (h) Specific information as to where moneys collected by DMV from the sale of group plates should be deposited. If no account has been specified by the time moneys collected from the sale of the group's plates are distributed by DMV, the moneys will be deposited to the Environmental Quality Information Account as provided by law; and
  - (i) Whether or not the group requests restrictions on the issuance of the group plates as covered in OAR 735-040-0090 and any other information DMV may require concerning the restriction.
- (2) In addition to the requirements described in section (1) of this rule, the group must provide an estimate of the number of plates it will sell during the next 12-month period.
- (3) DMV may at any time request from the authorized representative further information or documentation necessary to determine if the group is eligible for group plates. DMV will refuse to approve the issuance of group plates, or may withdraw approval previously granted if DMV determines:
  - (a) The group is not eligible;
  - (b) The word(s) or initials used, or proposed to be used, to name or describe the group contain an expression of political opinion or religious belief, contrary to ORS 805.205; or

- (c) The authorized representative fails to provide information or documentation as requested by DMV.
- (4) DMV will contact the authorized representative:
  - (a) At the time the application is approved or denied;
  - (b) When additional information or documentation is required or consultation is necessary; or
  - (c) If DMV proposes to withdraw its approval to issue plates for the group.
- (5) Once plates are approved, the authorized representative must file an annual statement with DMV showing the group continues to be eligible for group plates. The statement must:
  - (a) Be on a form provided by DMV or that is acceptable to DMV;
  - (b) Include a statement that the group continues to meet the requirements described in OAR 735-040-0050;
  - (c) Include the names and addresses of the current group directors, or officers, and the name, address and phone number of the group's authorized representative;
  - (d) Show that the group continues to be a nonprofit group; and
  - (e) Provide an estimate of the number of plates the group expects to sell during the next 12 months.
  - (6) The group must immediately notify DMV anytime:
    - (a) There is a change in the name, address or phone number of the authorized representative; or
    - (b) The group is dissolved, is no longer a nonprofit organization or is otherwise no longer qualified for veterans group plates under OAR 735-040-0050.

Stat. Auth.: ORS 184.616, 184.619, 805.205 & 805.206  
 Stats. Implemented: ORS 805.205 & 805.206  
 Hist.: DMV 2-1994, f. & cert. ef. 3-17-94; DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04

**735-040-0090**  
**Issuance for Veterans' Groups**

- (1) Issuance of group plates may be restricted to certain persons as provided in this rule. All of the following apply to such restrictions:
    - (a) Any restriction on use shall be based only on things related to a person's service in the Armed Services of the United States. For example:
      - (A) DMV may approve a request to restrict group plate issuance to only veterans or to only those awarded a Purple Heart medal; and
      - (B) DMV shall not approve a request to restrict group plate issuance to only veterans who are members of a particular group or who meet other group criteria.
    - (b) Groups who wish to have plate issuance restricted shall indicate this on the initial application for group plates, provide information on who they want the plates restricted to and the basis for the restriction;
    - (c) DMV shall determine whether the restriction shall be allowed; and
    - (d) If group plate issuance is to be restricted, DMV shall consult with the group in determining the criteria DMV will use in accepting or rejecting applications for group plates.
  - (2) Group plates shall not be issued as custom plates, nor in conjunction with any other distinct registration or plate type.
- Stat. Auth.: ORS 184.616 & 805.205  
 Stats. Implemented: ORS 805.205  
 Hist.: DMV 2-1994, f. & cert. ef. 3-17-94; DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95

**735-040-0095**  
**Application, Approval, Renewal and Issuance Process for Higher Education Group Plates**

- (1) An institution of higher education or a group representing an institution of higher education that is qualified to apply for group plates as provided in OAR 735-040-0040 and 735-040-0055 must submit the following to DMV:
  - (a) A completed and signed Application for Approval of Group Plates for Institutions of Higher Education and Non-Profit Groups (DMV Form 735-7076);
  - (b) A \$10,000 application fee at the time of application. This fee is in addition to any other fee required by law or rule;
  - (c) Fees to cover DMV's anticipated administrative expenses related to the design and production of the higher education group plates requested. At the time of application, DMV will estimate the costs, including but not limited to computer programming costs, plate

design costs, color costs and vendor set-up fees, which must be paid prior to approval of the application;

(d) The written documentation required under OAR 735-040-0055 that the group is an institution of higher education or is a group authorized by an institution of higher education to obtain plates for that institution as described in OAR 735-040-0055;

(e) The word(s), initials, image or logo the institution is requesting for use on the plate to identify the institution of higher education. DMV must approve and authorize any request before it may be used on a higher education group plate;

(f) A certification or other evidence as may be required by DMV that the group has the authority to use the requested word(s), initials, image or logo on a registration plate;

(g) If the group is an institution of higher education, the name, address and phone number of the institution's authorized representative. The authorized representative is the person authorized to apply for higher education group plates on behalf of the institution and is the contact person for DMV on any matter related to the group plates;

(h) If the group is representing an institution of higher education, the names and addresses of the current directors, or officers and the name, address and phone number of the group's authorized representative, as described in subsection (g) of this section; and

(i) Specific information as to where moneys collected by DMV from the sale of group plates should be deposited. The money must be deposited in an account in the general fund of the institution. An institution or group representing an institution is not eligible for higher education group plates unless this information is provided at the time of application.

(2) If the group is not an institution, the application must be accompanied by written authorization from the institution that specifically authorizes the group to obtain higher education group plates on behalf of the institution. Authorization must come from a representative of the institution who has been given authority to sign the authorization on behalf of the institution.

(3) An institution must immediately notify DMV if a group previously authorized by the institution is no longer authorized to obtain plates on behalf of the institution.

(4) In addition to the requirements described in sections (1) through (3) of this rule, the institution or group must provide an estimate of the number of plates it expects to sell during the next 12-month period.

(5) DMV may at any time request from the authorized representative further information or documentation necessary to determine if the institution or group is eligible for higher education group plates. DMV will refuse to approve the issuance of group plates, or may withdraw approval previously granted if DMV determines:

(a) The institution or group representing the institution is not eligible for higher education group plates; or

(b) The word(s), initials, image or logo used or proposed to be used to name or describe the institution contain an expression of political opinion or religious belief, contrary to ORS 805.205.

(6) DMV will contact the authorized representative;

(a) At the time the application is approved or denied;

(b) When additional information or documentation is required or consultation is needed; or

(c) If DMV proposes to withdraw its approval to issue plates.

(7) Once plates are approved the authorized representative must file an annual statement with DMV showing the institution continues to be eligible for group plates. The statement must:

(a) Be on a form provided by DMV or that is acceptable to DMV;

(b) Include a statement that the group continues to meet the requirements described in OAR 735-040-0055;

(c) Include written authorization from the institution stating that the group continues to have authorization to act on behalf of the institution in relation to the group plate program;

(d) Provide the name, address and phone number of the institution's authorized representative or if it is a group representing the institution, the names and addresses of the current directors or officers and the name, address and phone number of the group's authorized representative; and

(e) Provide an estimate of the number of plates the institution expects to sell during the next 12 months.

(8) The institution or representing group must immediately notify DMV:

(a) Anytime there is a change in the name or address of the authorized representative; or

(b) If the institution withdraws authorization from the representing group to act on behalf of the institution in relation to the group plate program.

(9) Upon receiving information from an institution that it is withdrawing authorization from a representing group to produce group plates, DMV will stop production of the group's plates and notify the group's authorized representative of the withdrawal of authorization.

Stat. Auth.: ORS 184.616, 184.619, 805.205 & 805.206

Stats. Implemented: ORS 805.205 & 805.206

Hist.: DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04

**735-040-0097**

**Application, Approval, Renewal and Issuance Process for Non-Profit Groups**

(1) A non-profit group that is qualified to apply for group plates under OAR 735-040-0040 and 735-040-0061 must submit the following to DMV:

(a) A completed and signed Application for Approval of Group Plates for Institutions of Higher Education and Non-Profit Groups (DMV Form 735-7076);

(b) A \$10,000 application fee at the time of application. This fee is in addition to any other fee required by law or rule;

(c) Fees to cover DMV's anticipated administrative expenses related to the design and production of the non-profit group plates requested. At the time of application, DMV will estimate the costs, including but not limited to computer programming costs, plate design costs, color costs and vendor set-up fees, which must be paid prior to approval of the application;

(d) The written documentation required under OAR 735-040-0061, and a copy of the group's bylaws and articles of incorporation;

(e) The names and addresses of the group's current directors or officers and the name, address and phone number of the group's authorized representative. The authorized representative is the person authorized to apply for non-profit group plates on behalf of the group and is the contact person for DMV on any matter related to the group plates;

(f) The word(s), or initials the group is requesting for use on the plate to identify the group. DMV must approve and authorize any request before it will be used on a non-profit group plate;

(g) A certification or other evidence as may be required by DMV that the group has the authority to use the requested word(s), or initials on a registration plate; and

(h) Specific information as to where moneys collected from the sale of group plates should be deposited. If no account is specified by the time moneys collected from the sale of the group's plates are distributed by DMV, the moneys will be deposited to the Environmental Quality Information Account as provided by law.

(2) In addition to the requirements described in section (1) of this rule, the group must provide an estimate of the number of plates it will sell during the next 12-month period.

(3) DMV may at any time request from the authorized representative further information or documentation necessary to determine if the non-profit group is eligible for group plates. DMV may refuse to approve the issuance of group plates, or may withdraw approval previously granted if DMV determines:

(a) The group is not eligible;

(b) The word(s), or initials used or proposed to be used to name or describe the group contain an expression of political opinion or religious belief, contrary to ORS 805.205; or

(c) The authorized representative fails to provide information or documentation as requested by DMV.

(4) DMV will contact the authorized representative:

(a) At the time the application is approved or denied;

(b) When additional information or documentation is required or consultation is necessary; or

(c) If DMV proposes to withdraw its approval to issue plates for the group.

(5) Once plates are approved the authorized representative must file an annual statement with DMV showing the group continues to be eligible for non-profit group plates. The statement must:

(a) Be on a form provided by DMV or that is acceptable to DMV;

(b) Include a statement that the group continues to meet the requirements described in OAR 735-040-0061;

- (c) Include the names and addresses of the current group directors, or officers and the group's authorized representative;
  - (d) Certify the group continues to be registered with the IRS as a 501(c)(3) non-profit corporation or foundation; and
  - (e) Provide an estimate of the number of plates the group expects to sell during the next 12-month period.
  - (6) The group must immediately notify DMV anytime:
    - (a) There is a change in the name or address of the group's authorized representative; or
    - (b) The group is dissolved, is no longer a tax-exempt 501(c)(3) organization or is otherwise no longer qualified for non-profit group plates under OAR 735-040-0061.
- Stat. Auth.: ORS 184.616; 184.619, 805.205 & 805.206  
 Stats. Implemented: ORS 805.205 & 805.206  
 Hist.: DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04

**735-040-0100**

**Refund of Fees; Withdrawal and Reinstatement of Group Plates**

- (1) DMV will refund a group's \$10,000 application fee if the group sells at least 1,000 sets of plates within the first 12-month period following issuance of the plates. The refund will be issued in the name of the group and mailed to the group's authorized representative designated on the group plate application form.
- (2) DMV will stop production of a group's plate if the group:
  - (a) Fails to provide an annual statement as required under OAR 735-040-0080, 735-040-0095 and 735-040-0097;
  - (b) The group ceases to exist;
  - (c) The group's approval is otherwise withdrawn;
  - (d) DMV determines the word(s), initials, image or logo used to name or describe the group are inconsistent with statute or rule; or
  - (e) DMV fails to sell or renew at least 500 sets of plates within any 12 consecutive month period. For purposes of this rule and OAR 735-040-0050 through 735-040-0097:
    - (A) "Sets" mean any plate(s) issued other than those issued as a replacement plate(s), whether one or two plates are issued; and
    - (B) The first day of the month in which the group plates are first offered for sale will be used to determine the start of the first 12-month period.
- (3) DMV will notify the group's authorized representative if DMV will no longer produce plates for the group.
- (4) Except as provided in section (5) of this rule, when DMV stops production of a group's plate DMV will continue to issue any remaining plate inventory until the inventory is depleted.
- (5) If DMV stops production of a group's plate because the word(s), initial(s), image or logo used to identify the group is determined to be inconsistent with statute or rule:
  - (a) DMV may restart production if:
    - (A) The group is otherwise eligible and qualified to have group plates; and
    - (B) After consulting with the authorized representative, a different word(s), initial(s), image or logo is approved by DMV to identify the group or institution; and
  - (b) DMV will destroy any remaining plate inventory.
  - (c) If DMV ceases to order plates for any reason not covered in this section, DMV will continue to issue any remaining plate inventory until the inventory is depleted.
  - (6) If production of a group's plate is discontinued for reasons other than those described in section (5) of this rule, to restart production, the group must reapply and pay all required fees as described in OAR 735-040-0050 through 735-040-0097.

Stat. Auth.: ORS 184.616; 184.619, 805.205 & 805.206  
 Stats. Implemented: ORS 805.205 & 805.206  
 Hist.: DMV 2-1994, f. & cert. ef. 3-17-94; DMV 3-1995, f. 3-9-95, cert. ef. 3-20-95; DMV 29-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 14-2004, f. & cert. ef. 6-24-04

**DIVISION 42**

**FLEETS**

**735-042-0000**

**Eligibility for Fleet Registration**

- (1) Fleet registration is as provided in ORS 805.120.

(2) As used in OAR 735-042-0000 through 735-042-0040, "fleet operator" means the person, or their designee, who applies for fleet registration.

(3) To be eligible for and to continue to operate vehicles under fleet registration, the following requirements must be met and maintained:

- (a) The fleet must consist of at least 50 eligible vehicles;
- (b) The vehicles must be titled either in the name of the same registered owner or in the name of a subsidiary company of a single parent company; and
- (c) The vehicles must be housed and dispatched from a location in Oregon and must be primarily operated on an intrastate basis within Oregon.

(4) Vehicles eligible for fleet registration include:

- (a) Vehicles commonly known as light trailers, passenger vehicles and light trucks (such as pickups and vans) having a loaded weight of 8,000 pounds or less;
- (b) Motor trucks, truck tractors and other vehicles required to establish a registration weight under ORS 803.430, except farm-registered vehicles;
- (c) Commercial buses and like vehicles which would be commercial buses if used for compensation; and
- (d) Fixed load vehicles.
- (5) Vehicles with registration that restricts their use or allows special registration provisions are not eligible for fleet registration. For example, school buses or school activity vehicles are not eligible.

Stat. Auth.: ORS 802.010, 803, 805.120 & Ch. 76 & 723, OL 1989  
 Stats. Implemented: ORS 805.120  
 Hist.: MV 7-1986, f. & ef. 4-16-86; Administrative Renumbering 3-1988, Renumbered from 735-100-0800; MV 47-1989, f. & cert. ef. 11-16-89; MV 57-1989, f. 12-29-89, cert. ef. 1-1-90

**735-042-0010**

**Fleet Operator Responsibilities**

- (1) Fleet registration plates shall be surrendered to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) within 30 days of the date:
  - (a) A vehicle becomes ineligible for fleet registration; or
  - (b) A vehicle is withdrawn from a fleet.
- (2) The fleet operator may certify that a plate has been lost or destroyed instead of surrendering a plate under section (1) of this rule.
- (3) The fleet operator is responsible for registration fees until a vehicle is ineligible or withdrawn from the fleet and:
  - (a) The registration plate is received by DMV; or
  - (b) DMV receives a certification that the registration plate is lost or destroyed.
- (4) When a new fleet qualifies for this program, the fleet operator shall:

- (a) Turn in the plates currently on the vehicles to DMV; or
- (b) Destroy the plates and provide DMV with a certification listing the plates that were destroyed.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.415, 803.420 & 805.120  
 Stats. Implemented: ORS 805.120  
 Hist.: MV 7-1986, f. & ef. 4-16-86; Administrative Renumbering 3-1988, Renumbered from 735-100-0810; MV 47-1989, f. & cert. ef. 11-16-89; DMV 5-2006, f. & cert. ef. 5-25-06

**735-042-0020**

**Application for and Issuance of Fleet Registration**

- (1) An applicant for fleet vehicle registration must submit the following to DMV for each fleet vehicle to be registered:
  - (a) A completed and signed DMV application list for fleet vehicle registration and applicable fees;
  - (b) The name and address of the fleet operator, the billing address and the name and phone number for the person in charge of fleet registration;
  - (c) If applicable, the current registration plate number, registration expiration date, vehicle identification number (VIN) and title number;
  - (d) If the applicant requests to have the entire fleet's registration expire at the same time, the requested month of expiration;
  - (e) A service fee of \$2 for each vehicle registered or added to an existing fleet and a \$1 fee for each registration renewal; and
  - (f) Any other requirements for vehicle registration including applicable fees, proof of insurance and proof of emissions compliance.

(2) Registration expiration dates for fleet vehicles will be recorded on DMV records. Expiration dates are not included on registration plates or registration cards.

(3) DMV will assign a unique registration account number to each vehicle fleet registered in Oregon.

(4) Fleet plates are issued with a "PF" prefix, and may not be transferred to another vehicle.

(5) Except as provided in OAR 735-042-0030, fleet vehicles eligible for quarterly registration will be registered on an annual basis. Vehicles subject to biennial registration will be registered for a two-year period.

(6) Approximately 60 days before the registration on a fleet vehicle is due to expire, DMV will provide a billing list for each vehicle that needs its registration renewed to the person in charge of fleet registration. Renewal will be issued upon return receipt of a completed signed billing list that includes applicable fees, proof of insurance and proof of emissions compliance, if required.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.415, 803.420 & 805.120  
 Stats. Implemented: ORS 805.120  
 Hist.: MV 7-1986, f. & ef. 4-16-86; Administrative Renumbering 3-1988, Renumbered from 735-100-0820; MV 22-1988, f. 6-29-88, cert. ef. 7-1-88; MV 47-1989, f. & cert. ef. 11-16-89; MV 57-1989, f. 12-29-89, cert. ef. 1-1-90; DMV 5-2006, f. & cert. ef. 5-25-06

**735-042-0030**

**Fleet Registering for One Month Expiration**

(1) A fleet operator may request that the registration of all vehicles in the fleet expire in the same month. The month chosen may be any month of the year:

(a) The request shall be in writing and shall be signed by the fleet operator;

(b) When a request is received, all renewal fees due shall be paid before the conversion process can begin; and

(c) The request to adjust the registration and the payment of all renewal fees due shall be submitted at least 120 days prior to the end of the month chosen.

(2) All expiration dates will be moved forward.

(3) There will be no refunds or credits during the conversion process.

(4) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall prorate all registration fees consistent with section (11) of this rule to reflect the expiration changes.

(5) Adjustment of a vehicle's registration expiration to a future month shall be considered to be a renewal of that vehicle's registration and all applicable registration renewal requirements shall be met by the fleet operator.

(6) A special billing shall be produced for the fleet showing the prorated fee needed to adjust the registration expirations of the fleet's vehicles to the chosen month. This special billing shall be returned to DMV with the fees within 45 days of the date the special billing was mailed or delivered to the fleet operator.

(7) If the 120-day requirement in subsection (1)(c) of this rule is not met, DMV may choose to accept the request if the remaining provisions of section (1) of this rule are met and if there is sufficient time to complete the conversion process prior to the end of the month chosen.

(8) If the 45-day requirement in section (6) of this rule is not met, DMV may choose to continue with the conversion if there is sufficient time to complete the conversion process prior to the end of the month chosen. Otherwise, the conversion process shall be abandoned and the fleet-registered vehicles shall retain the currently assigned expirations.

(9) Vehicles added to a fleet during or after the conversion process shall be assigned a registration expiration month that corresponds with that of the other vehicles in the fleet.

(10) When DMV changes or assigns an expiration month to correspond with that of other vehicles in the fleet, the registration fees shall be prorated according to section (11) of this rule.

(11) When registration fees are prorated under section (4) or (10) of this rule, the fee shall be rounded down to the nearest \$.25. For example, \$10.79 would be rounded down to \$10.75 and \$10.23 would be rounded down to \$10.

Stat. Auth.: ORS 802.010, 803, 805.120 & Ch. 76 & 723, OL 1989  
 Stats. Implemented: ORS 805.120  
 Hist.: MV 7-1986, f. & ef. 4-16-86; Administrative Renumbering 3-1988, Renumbered from 735-100-0830; MV 47-1989, f. & cert. ef. 11-16-89

**735-042-0040**

**Fleet Cancellation**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) may cancel the registration of any or all vehicles in a fleet or declare the fleet ineligible for fleet registration if DMV determines the fleet operator has:

(a) Failed to maintain a fleet size of 50 vehicles for a consecutive 60-day period;

(b) Permitted the registration issued to be used on a vehicle other than the one to which it was assigned;

(c) Failed to pay renewal fees or meet any applicable registration renewal requirements by the last day of the month of expiration;

(d) Failed to pay, or attempted to avoid payment of any fees required by statute or rule for fleet registration, which includes payment of registration fees in lieu of surrendering plates for vehicles removed from the fleet;

(e) Falsely certified to DMV the disposition of plates required by OAR 735-042-0010(2) or (4); or

(f) Failed to surrender plates or a certification as to the disposition of the plates to DMV within 30 days of the date any vehicle became ineligible or was no longer operated by the fleet.

(2) Fleets whose registrations are cancelled shall be eligible for a hearing as outlined by ORS 183.310, 183.550, and 809.100.

Stat. Auth.: ORS 802.010, 803, 805.120 & Ch. 76 & 723, OL 1989  
 Stats. Implemented: ORS 805.120  
 Hist.: MV 7-1986, f. & ef. 4-16-86; Administrative Renumbering 3-1988, Renumbered from 735-100-0840; MV 47-1989, f. & cert. ef. 11-16-89

**735-042-0050**

**Allocated Fleets — General Provisions**

(1) "Allocated fleet" means a fleet of vehicles operated for hire in Oregon and other jurisdictions, a portion of which are registered in each jurisdiction on a formula specified in an agreement reached pursuant to ORS 802.500(1)(h).

(2) A fleet of vehicles operated for hire, commonly referred to as "rental" vehicles, may be registered as an allocated fleet as provided in this rule and agreements between the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) and other jurisdictions reached pursuant to ORS 802.500(1)(h).

(3) The basis for determining the number of vehicles in the fleet which must be registered in Oregon shall be as specified in the agreement reached under ORS 802.500(1)(h) and under which the fleet operator seeks to register vehicles in Oregon.

(4) To be eligible for allocated fleet registration, the fleet operator shall complete a written agreement with DMV. In the agreement, the fleet operator shall agree to:

(a) Register in Oregon the number of vehicles required to be registered in Oregon based on the agreement reached pursuant to ORS 802.500(1)(h);

(b) Keep records, appropriate to the type of fleet and basis for allocation, sufficient to justify the number of vehicles registered in each jurisdiction and show that the proper fees have been paid to each;

(c) Make available to DMV or its designee the records required to be kept under subsection (4)(b) of this rule for purposes of auditing the accuracy of the fees paid and number of vehicles registered. Such records shall be provided to DMV or its designee at the location specified by DMV, or the fleet operator shall pay the reasonable costs of an audit at the operator's home office by a duly appointed representative of DMV;

(d) Keep the records required to be kept under subsection (4)(b) of this rule for a period of two years following the expiration of any registration obtained; and

(e) Provide to DMV certified written statements at intervals specified in the agreement, regarding the number of vehicles in the fleet, the number of vehicles registered in Oregon and a summary of the data used to calculate the number of vehicles to be registered in Oregon.

(5) If DMV determines that the fleet operator did not register enough of the vehicles of the fleet in Oregon, DMV may deny privileges to the fleet until the additional vehicles are registered. Such denial of privileges may include, but shall not be limited to, withdrawal of registration reciprocity for vehicles of the fleet registered in other jurisdictions.

Stat. Auth.: ORS 184.616 & 803.410  
 Stats. Implemented: ORS 802.500, 803.305, 803.410 & 803.415  
 Hist.: MV 1-1994, f. & cert. ef. 1-19-94

**735-042-0060****Allocated Fleets — Light Trailers**

(1) An allocated fleet of trailers operated for hire may be registered as provided in this rule. To qualify for registration under this rule:

(a) The owner of the fleet shall have an agreement with the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) as provided in OAR 735-042-0050;

(b) A trailer shall be part of a fleet of two or more trailers operated for hire in this state and other jurisdictions by an individual, association or group of owners; and

(c) The trailers in the fleet shall be identifiable (e.g., through markings or lettering on the trailer) as being operated as a fleet.

(2) None of the trailers in the fleet may be operated on the highways of this state with a loaded weight of more than 8,000 pounds, whether or not a particular trailer of the fleet is registered under this rule.

(3) Trailers registered as a fleet under this rule may be registered under annual registration as provided in ORS 803.415, or under five-year registration as provided in this rule. As used in this rule, "five-year registration" refers to for-hire trailer registration which is valid for a maximum of five years.

(4) Trailers registered under annual registration shall be issued registration indicia (a registration card and a registration plate) reflecting an annual expiration date of December 31st of each year. Trailers initially registered after December 10 shall have an expiration of December 31st of the following year.

(5) All five-year registrations shall expire December 31, 1995, and at five-year intervals thereafter. The expiration of a trailer registered under five-year registration shall be on December 31 in the next expiration year. For example, a trailer registered under five-year registration on August 15, 1993, shall expire December 31, 1995, and a trailer registered in 1996 shall expire December 31, 2000.

(6) Trailers registered under five-year registration shall be issued registration indicia reflecting an expiration date of December 31 of the next five-year expiration year.

(7) The fee for five-year registration shall be the fee for annual registration of for-hire trailers as provide in ORS 803.420 multiplied by the number of calendar years or portion thereof remaining in the five-year registration period in which the trailer is registered. The fee for five-year registration shall be paid upon initial registration, except as provided in section (8) of this rule for payment on an annual basis. No registration fees for trailers registered under this rule shall be prorated or otherwise reduced due to any trailer being registered for less than a full registration period. If paid on an annual basis, the annual fee for five-year registration shall be the same as the annual fee as provided in ORS 803.420 for trailers operated for-hire.

(8) To qualify for five-year registration on an annual fee basis, the owner of the fleet shall enter into a written agreement with DMV, in which the owner agrees to:

(a) Pay the annual fee for the first year of registration in advance;

(b) Comply with the security requirements under section (9) of this rule;

(c) Pay, by December 31 of each year, the annual registration fee for the next year of five-year registration; and

(d) Return to DMV any unexpired registration indicia issued for any trailer withdrawn from the fleet or for which registration fees are otherwise not paid.

(9) The owner of trailers registered under five-year registration on an annual fee basis shall, upon application for five-year registration, file with DMV sufficient security to ensure that the remaining annual registration fees for every trailer issued five-year registration shall be paid.

(10) The security filing under section (9) of this rule shall be:

(a) An irrevocable letter of credit through the end of the current five-year registration period, ensuring that sufficient funds are on deposit to pay the balance of the registration fees for all of the trailers so registered; or

(b) A surety bond in an amount sufficient to pay the balance of registration fees for all trailers so registered.

(11) DMV shall cancel the registration of any trailers registered under five-year registration on an annual fee basis if the owner fails to pay the registration fee as provided in subsection (8)(c) of this rule. Such cancellation may include withdrawal of registration reciprocity for vehicles of the fleet registered in other jurisdictions.

Stat. Auth.: ORS 184.616 & 803.410

Stats. Implemented: ORS 802.500, 803.305, 803.410 & 803.415

Hist.: MV 1-1994, f. & cert. ef. 1-19-94

**DIVISION 46****SPECIAL PLATES****735-046-0000****Custom Plates — Definitions**

As used in OAR 735-046-0000 through 735-046-0050:

(1) "Custom plates" means customized registration plates as authorized by ORS 805.240.

(2) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(3) "Plate choice" means the distinguishing numbers, letters or combinations thereof which are requested by an applicant for use on custom plates. The letter "O" and the number "zero" shall be considered to be the same when used in plate choices. The plate choice:

(a) Includes only the letters or numbers that identify one vehicle from all other vehicles; and

(b) Does not include the plate background, design, method of validation, or any other information DMV may choose, or be required, to place on registration plates.

(4) "Plate configuration" means the distinguishing numbers, letters or combinations thereof that have been assigned, or which may be assigned, for use on a registration plate(s). As used in these rules, the term applies to specific configurations within a series as well as to the entire series of plates where the same combination of identifying numbers or letters is used, regardless of whether a specific configuration has been manufactured or issued. For example, this would apply to the specific motor home plate configuration H234561 as well as to any configuration that began with the letter "H" followed by numbers, whether or not the specific configuration in the series has been issued.

(5) "Current use" means registration plates issued by DMV and which are still renewed by DMV or recognized as valid for operation of a vehicle over the highways. These include but are not limited to:

(a) Passenger vehicle plates issued in 1956 and after; and

(b) Motorcycle plates issued in 1967 and after.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 805.240

Hist.: MV 1-1981, f. & ef. 2-5-81; MV 1-1983, f. & ef. 1-28-83; MV 9-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-071-0058; MV 25-1988, f. & cert. ef. 10-3-88; MV 48-1989, f. & cert. ef. 11-16-89; DMV 9-1994, f. & cert. ef. 9-30-94; DMV 8-1997, f. & cert. ef. 10-16-97

**735-046-0010****Custom Plates — Application and Standards**

(1) Persons who want to obtain custom plates shall apply to DMV for approval and assignment of the plate choice.

(2) Applications shall be accepted at DMV offices or may be submitted by mail. Custom plate choices shall:

(a) Not be reserved in advance of application and payment of required fees; AND

(b) Be approved and assigned on a first-come, first-served basis. When two or more applications requesting an identical plate choice are received, whether it be an application for renewal of a custom plate which has been expired for more than 30 days or an original application, the one for which DMV first receives the application and required fees shall be the one considered for approval of that plate choice. "Application" as used in this subsection may include application by phone provided DMV is in possession of the required fees. For example, a call is made to request an alternate choice because the original choice is not available.

(3) Except as provided for in OAR 735-046-0020, applicants for custom plates shall otherwise qualify for Oregon title and registration for the vehicle to which the plates are to be assigned, and shall pay any applicable fees. Such requirements and fees shall be submitted with the request for approval of a custom plate choice, unless previously submitted to DMV.

(4) A custom plate choice shall not be considered approved and assigned until the plate has actually been issued by DMV.

(5) To be considered for approval by DMV a requested plate choice shall:

(a) Be compatible with DMV's computer system;

(b) Not be identical to any plate configuration reserved for current Oregon office holders, the Governor or Honorary Consular Corps Representatives, unless the custom plate is being issued under the provisions of OAR 735-046-0050;

(c) Not begin with the letters “SEN,” “REP,” “USS,” “USR” or “ORE” and be followed by numbers;

(d) Be limited to alphabetic or numeric characters, or combinations thereof, and shall not include any 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 shall be allowed provided it is a space or a dash;

(g) Except as provided in section (6) 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 shall not be considered when determining whether the plate is identical to another plate configuration; and

(h) Otherwise be approved as a plate choice under the provisions of OAR 735-046-0000 to 735-046-0050.

(6) 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 to be issued in the future;

(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 shall be the applicant’s responsibility to satisfy DMV that the plates have been destroyed, surrendered to DMV, surrendered to another state, or otherwise 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), i.e., those which 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 vehicles 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) cannot 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) cannot 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.

(7) DMV shall 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 or 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; and/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.

(8) DMV may use any reliable lexicological source to determine the meaning of any word, symbol or phrase.

(9) When reviewing a plate choice for approval, DMV need not consider the applicant’s subjective intent or declared meaning.

(10) DMV shall approve the transfer of registration plates which 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 which 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

Stats. Implemented: ORS 183.415, 805.240 & 805.242

Hist.: MV 25-1988, f. & cert. ef. 10-3-88; MV 48-1989, f. & cert. ef. 11-16-89; DMV 9-1994, f. & cert. ef. 9-30-94; DMV 8-1997, f. & cert. ef. 10-16-97

**735-046-0020**

**Custom Plates — Application for Plates as a Gift**

(1) DMV shall allow persons other than the owner of a vehicle to apply for a custom plate choice when:

(a) The plates are to be provided to the vehicle owner as a gift;

(b) The vehicle to which the plates are to be assigned is currently titled in Oregon; and

(c) The plates are to be given to the vehicle owner no more than 120 days from the date of application.

(2) To obtain approval for a custom plate choice, the person who is giving the gift shall make application to DMV. All of the following must be provided:

(a) Application for custom plates including the plate choice;

(b) Custom plate fees;

(c) Any applicable registration and plate manufacturing fees;

(d) Name and address of the applicant (person giving the gift);

(e) Name and address of the vehicle owner (person to receive the plates);

(f) Date plates are needed; and

(g) At least one vehicle identifier (current plate number or vehicle identification number) of the vehicle to which the plates are to be assigned.

(3) If the custom plate choice is approved DMV shall provide the plates to the applicant together with an application for registration and a letter that shall explain registration requirements. The applicant shall provide the application and letter to the vehicle owner along with the plates. DMV shall not at that time provide:

(a) A vehicle registration card;

(b) Registration stickers for the plates; or

(c) Any other documentation that would assign the plates to a particular vehicle or authorize the use of a vehicle over the highways, with such plates.

(4) To use the plates for operation of a vehicle, the vehicle owner shall make application for registration to DMV, and comply with requirements for registration (other than any fees previously submitted). In making application the vehicle owner shall submit a completed and signed application for registration.

(5) Upon receipt of all registration requirements, DMV shall issue a registration card and registration stickers for use on the vehicle.

(6) If the vehicle owner fails to make application for registration of the vehicle with the custom plate choice, within 120 days from the date the plate(s) are released by DMV:

(a) The plate choice shall become available for approval for another applicant, should DMV receive such a request; and

(b) The vehicle owner shall return the plate(s) to DMV.

Stat. Auth.: ORS 184.616 & 184.619

Stats. Implemented: ORS 805.240

Hist.: MV 25-1988, f. & cert. ef. 10-3-88; DMV 8-1997, f. & cert. ef. 10-16-97

**735-046-0030**

**Custom Plates — Issuance, Renewal and Transfer**

(1) Custom plates shall only be issued to vehicles of the types described in this section. Vehicle types for which custom plates may be issued include:

(a) Motor vehicles that would be registered under ORS 803.420(1) if special registration plates were not requested (for example, passenger vehicles such as cars or lightweight trucks);

- (b) Travel trailers;
- (c) Campers;
- (d) Motor homes;
- (e) Mopeds; and
- (f) Motorcycles.

(2) Custom plates shall not be approved for vehicles registered under registration provisions for which issuance of a special registration plate is required, or for which DMV routinely issues special plates (for example, disabled veteran or farm).

(3) Vehicles issued custom plates are subject to the same requirements as they would be if they did not have special plates (i.e., mandatory insurance or Department of Environmental Quality inspection) as specified by rule or law.

(4) If the custom plate is not renewed within 30 days from the expiration of the vehicle registration period, or if the plate(s) is surrendered to DMV, the custom plate choice shall be considered available for approval and assignment on a first come, first served basis, upon application by any applicant. The owner of the vehicle to which the custom plate was originally issued may again be assigned that plate choice if:

- (a) A custom plate with that plate choice has not already been issued for use on another applicant's vehicle;
- (b) The applicant otherwise complies with requirements for registration of the vehicle;
- (c) DMV approves the plate choice for use; and
- (d) There is no application pending for the plate choice by another applicant, as established by OAR 735-046-0010(2).

(5) Custom plates are assigned to specific vehicles and shall remain with that vehicle except as otherwise provided in this rule or by statute. All of the following apply to custom plate transfers:

(a) When a vehicle bearing a custom plate is sold, assigned or otherwise transferred, and the owner (seller) chooses to retain the custom plate choice for transfer to another vehicle, it shall be the responsibility of the owner (seller) to:

(A) Remove the plates from the vehicle prior to the sale or transfer, or make arrangements with the purchaser to remove the plates from that vehicle; and

(B) Comply with requirements for transfer of the plates or plate choice to another vehicle, including making application to DMV and paying any required fees.

(b) If the owner (seller) does not retain the plates prior to the sale or transfer, and is unable to make arrangements for removal of the plates from that vehicle, the plates and that plate choice shall remain assigned to that vehicle except as otherwise provided in rule or statute.

Stat. Auth.: ORS 184.616 & 184.619  
 Stats. Implemented: ORS 805.240

Hist.: MV 25-1988, f. & cert. ef. 10-3-88; MV 48-1989, f. & cert. ef. 11-16-89; DMV 8-1997, f. & cert. ef. 10-16-97

**735-046-0040**

**Custom Plates — Review of Custom Plate and Recall**

(1) DMV may at any time review a custom plate to determine compliance with OAR 735-046-0000 through 735-046-0050 and any written department policy.

(2) DMV shall recall a custom plate without regard to the date first issued if DMV determines that it violates any administrative rule or written department policy.

(3) Upon notification that a custom plate is being recalled, the vehicle owner:

- (a) Shall surrender the plate(s) to DMV within 10 days; and
- (b) May apply for approval of a new custom plate choice without payment of an additional fee.

(4) If the vehicle owner of the recalled plate does not apply for a new custom plate or the requested plate choice is not approved, DMV shall issue a regular registration plate and refund the customized registration plate fee applicable for the current vehicle registration period.

Stat. Auth.: ORS 184.616 & 184.619  
 Stats. Implemented: ORS 805.240

Hist.: MV 25-1988, f. & cert. ef. 10-3-88; DMV 9-1994, f. & cert. ef. 9-30-94; DMV 8-1997, f. & cert. ef. 10-16-97

**735-046-0050**

**Custom Plates — Issued to Honorary Consuls and Elected Official Plates**

(1) Elected official plates shall be available to current Oregon office holders as covered in ORS 805.220.

(2) Special custom plates (hereafter referred to as honorary consul plates) shall be available to members of the Honorary Consular Corps.

(3) Plate background, design, method of validation or any other information on plates covered in this rule shall be as required by statute, or as determined by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV).

(4) Elected official plates shall indicate the office or title of the elected official in addition to the plate configuration. Specific plate configurations shall be reserved for use on elected official plates issued to the following office holders:

- (a) For the Secretary of State — “2”;
- (b) For the State Treasurer — “3”;
- (c) For the President of the Senate — “4”;
- (d) For the President pro tempore of the Senate — “4A”;
- (e) For the Speaker of the House of Representatives — “5”;
- (f) For the Speaker pro tempore of the House — “5A”;
- (g) For State Senators the applicable Senate district number;
- (h) For State Representatives the applicable House district number;

(i) For members of the U.S. Senate the letter “S” followed by a number; and

(j) For members of the U.S. House of Representatives the letter “R” followed by the House District members.

(5) Honorary consul plates shall reference the Consular Corps in addition to a number.

(6) To qualify for elected official plates, the registered owner of the vehicle to which the plates are to be assigned shall be the current holder of the specified office for which the plates have been designated, which can be verified by the Secretary of State.

(7) To qualify for honorary consul plates, the registered owner of the vehicle to which the plates are to be assigned shall be affiliated with or represent a foreign consulate. This shall be verified by a letter on official letterhead from the nation that person represents, designating the person as an Honorary Consul.

(8) Persons who qualify for and want elected official plates or honorary consul plates shall apply to DMV, for the registration of a specific vehicle with such plates and shall:

- (a) Submit the required custom or elected official plate fee; and
- (b) Any other fees or documents required for the registration of the vehicle.

(9) Honorary consul plates shall be assigned to specific vehicles. The plates may be transferred to another vehicle if:

- (a) The vehicle to which the plate is being transferred is being registered in the name of the person that qualifies for that particular plate configuration; and
- (b) The required fees and application for transfer are submitted to DMV.

(10) Elected official plates shall be assigned to a specific vehicle and shall be in addition to the regular registration plates issued to that vehicle. Elected official plates may be transferred to another vehicle if:

(a) The vehicle to which the plates are being transferred is being registered in the name of the person that qualifies for that particular plate configuration; and

(b) The applicant submits a completed application to DMV that indicates the vehicle to which the elected official plates are to be assigned. No fee shall be required for the transfer of an elected official plate.

(11) Individuals leaving office or ceasing to act in an official capacity, including Honorary Consuls, shall remove these plates from their vehicles at the end of their term or office, or when they cease to act in an official capacity. When this occurs the person shall:

(a) Not display the elected official plates or honorary consul plates on any vehicle while such vehicle is being operated over the highways; and

(b) Surrender such plates to DMV unless they are to be retained for souvenir purposes only.



(12) The plate configuration number “1” shall be reserved for official use of the Governor’s office. Consistent with the intent of the state in protecting the security of the Governor, DMV shall make other regular series plates available to the office of the governor. These plates:

- (a) May be obtained at the request of the Governor’s Office; and
- (b) Shall be issued without fees, except for the fee required to cover the cost of manufacturing the plates.

Stat. Auth.: ORS 802.010, 803.530, 803.535, 805.200, 805.220, 805.240 & 805.250  
 Stats. Implemented: ORS 805.220 & 805.240  
 Hist.: MV 25-1988, f. & cert. ef. 10-3-88; MV 13-1992, f. & cert. ef. 10-16-92

**735-046-0060**

**Graphic Registration Plate Series**

(1) The graphic design plate produced as provided in chapter 572, Oregon Laws 1987, shall be issued as provided in section (2) of this rule to:

(a) Vehicles registered under ORS 803.420(1). This includes, but is not limited to the following vehicles:

- (A) Motor trucks with a loaded weight of 8,000 pounds or less, except armored cars, wreckers, tow vehicles, hearses or ambulances;
- (B) Vehicles commonly known as passenger cars; and
- (C) Trailers with a loaded weight of 8,000 pounds or less, except travel trailers or trailers registered under a statute other than ORS 803.420(1).

(b) Any vehicle covered in section (1) of this rule and registered with a customized plate(s) as provided in ORS 805.240;

(c) Government-owned or -operated vehicles of the type covered under ORS 803.420(1) issued plates other than government-owned vehicle registration plates as described in ORS 805.200;

- (d) Elected official plates covered under ORS 805.220; and
- (e) Oregon National Guard plates covered under ORS 805.200.

(2) Vehicles listed in section (1) of this rule shall be issued a plate bearing the graphic design:

- (a) Upon the initial registration of the vehicle in Oregon;
- (b) Upon application for replacement plate(s); and
- (c) Any time a plate(s) would normally be issued to a vehicle (i.e., when a change in registration type or change in class occurs, such as when the weight of a pickup truck is reduced and its registration changes from heavy truck registration under ORS 803.420(9) to passenger truck registration under ORS 803.410(1)).

(3) Nothing in this rule shall be deemed to limit the issuance of special registration plates as described in ORS Chapter 805.

Stat. Auth.: ORS 184.616, 184.619 & 805.115  
 Stats. Implemented: ORS 803.520 & 803.535  
 Hist.: MV 23-1988, f. 6-29-88, cert. ef. 7-1-88; MV 14-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 5-2000, f. & cert. ef. 8-10-00

**735-046-0070**

**Charitable Organization/Non-Profit — Registration**

(1) As used in this rule “charitable-nonprofit registration” means the registration established under ORS 803.420(11) for certain vehicles used exclusively as described in ORS 825.015 or 825.017.

(2) “Charitable organization” is as defined in ORS 825.017. To qualify as a charitable organization under this rule, the organization shall first qualify as such with the Motor Carrier Transportation Division (MCTD) of the Oregon Department of Transportation.

(3) “Nonprofit” is as defined in ORS 825.015.

(4) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall issue plates of a special design for vehicles registered under charitable-nonprofit registration. Such plates shall:

- (a) Contain the prefix letters “CN” followed by numerals;
- (b) Be validated by a sticker that reflects the month and year of the registration expiration; and
- (c) Only be valid for display on vehicles that qualify for charitable-nonprofit registration, and which are operated within the restrictions placed on that type of registration.

(5) To be eligible for charitable-nonprofit registration the vehicle shall be a motor vehicle that has a loaded weight of more than 8,000 pounds, and that either:

(a) Has a seating capacity of fewer than 16 persons, and is used exclusively in nonprofit operation for commuting to job, job training or educational facilities; or

(b) Is owned or operated by a charitable organization or under contract with a charitable organization, and used exclusively in per-

forming transportation, either one way or round trip, necessary to the operation of the charitable organization.

(6) For a vehicle to qualify for charitable-nonprofit registration the owner shall make application to DMV. All of the following apply to the initial registration of a vehicle under charitable-nonprofit registration:

(a) The applicant shall complete a certification on a form provided by DMV, or facsimile thereof, that shall include but may not be limited to a statement that:

(A) The vehicle shall be used exclusively as described in ORS 825.015 or 825.017;

(B) In the case of a vehicle being used by or under contract with a charitable organization, that the organization has an affidavit on file with MCTD as required under ORS 825.017; and

(C) That should the vehicle cease to be used for such purposes, or if the vehicle is sold to someone who does not qualify, that the charitable organization registration plates shall be surrendered to DMV.

(b) Plate manufacturing fees as established under OAR 735-032-0010 shall be required for the issuance of charitable-nonprofit registration plates.

Stat. Auth.: ORS 184.616, 184.619, 803.420(11), 803.535 & 805.200  
 Stats. Implemented: ORS 803.420 & 805.200  
 Hist.: MV 55-1989, f. & cert. ef. 12-21-89; DMV 8-1997, f. & cert. ef. 10-16-97

**DIVISION 48**

**FARM VEHICLES**

**735-048-0000**

**Definitions**

For the purposes of OAR 735-048-0000 through 735-048-0080 the following definitions apply:

(1) “MCTD” means the Motor Carrier Transportation Division of the Oregon Department of Transportation.

(2) “Farm registration” is as provided in ORS 805.300 and includes any plates, stickers, tabs or devices issued as evidence of that registration.

(3) “Proportional farm registration” is as provided for in ORS 805.400 and includes plates, stickers, permits or other identification devices issued under ORS 805.200 and 805.400.

(4) “Initial farm or proportional farm application” means the process by which a person first qualifies as a farmer and receives farm or proportional farm registration for vehicles being used in conjunction with the farming operation.

(5) “Farming operation” means the one or more farms, orchards or ranches belonging to a qualifying farmer; the agricultural commodities, products and/or livestock produced or raised thereon and the vehicles registered with farm or proportional farm registration for use in conjunction with said operation.

(6) “Qualifying farmer” means a person who has applied for, and received, status as a farmer from MCTD in conjunction with a particular farming operation.

(7) “Agricultural commodities” as used in ORS 805.320 and 805.390 includes, but is not limited to, livestock, poultry, agricultural, horticultural, viticultural and vegetable products. It does not include trees or forest byproducts thereof, except:

(a) Christmas trees which are grown or growing on land which has been prepared by intensive cultivation and tilling and on which all unwanted plant growth is controlled continuously for the exclusive purpose of growing such Christmas trees; or

(b) Hardwood timber, including, but not limited to, hybrid cottonwood, which is:

(A) Grown or growing on land which has been prepared by intensive cultivation methods and which is cleared of competing vegetation for at least three years after tree planting;

(B) Of a species marketable as fiber for manufacturing paper products;

(C) Harvested on a rotation cycle within 10 years after planting; and

(D) Subject to intensive agricultural practices such as fertilization, insect and disease control, cultivation and irrigation.

(8) “Agricultural products” as used in ORS 805.320 and 805.390 includes products and by-products of agricultural commodities or livestock, subject to the restrictions found in ORS 805.390(1).

(9) "Actually producing" means the farmer is growing agricultural commodities or raising livestock. For example, clearing the land with the intent of farming at a later date is not considered actually producing, however, an orchard which has been planted is considered actually producing.

(10) "Straw" is the stalk of grass or grain that is left after threshing.

(11) "Forest products" means products as defined in ORS 321.005(6).

(12) "Owner" and "ownership" of vehicles are as defined in ORS 801.375. In the case of a leased vehicle, the lessee must be shown as owner on the title as required by OAR 735-022-0100.

(13) A "substantial change" to a farming operation occurs when any of the following happens:

(a) The amount of land owned, leased or rented by the farmer listed for purposes of qualifying for farm registration decreases;

(b) The amount of agricultural commodities, products produced or livestock raised decreases to the point that they do not reasonably require the use of the vehicles registered under farm operation;

(c) The vehicle(s) ceases to be used on the one or more farms, orchards or ranches for which farm or proportional farm registration was applied for or ceases to be used for the purposes allowed under such registration; or

(d) The farming operation begins operating vehicles (other than pickup trucks) in combinations of four or more axles or which have a registered weight of over 26,000 pounds.

(14) "Non-qualifying commercial enterprise" means any business which is not directly related to the raising of agricultural commodities, livestock or the producing of agricultural products. An example of a non-qualifying commercial enterprise is a timber business.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 805.300 - 805.410

Stats. Implemented: ORS 805.300 - 805.410

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0087; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 16-2004, f. & cert. ef. 7-15-04

**735-048-0020**

**Permitted Uses**

(1) Vehicles registered with farm or proportional farm registration may be used only for the purposes allowed under ORS 805.390.

(2) Vehicles registered under farm or proportional farm registration may be operated for hire only as provided in ORS 825.024.

(3) Except as described in section (5) of this rule, uses permitted under ORS 805.390(2), (3), (5), and (6) do not include transportation related to non-qualifying commercial enterprises which may be being conducted by the farmer or in which the farmer participates on or off the farm. For example:

(a) Farmers who board horses which they are not raising may not legally transport them with a vehicle registered with farm plates, unless:

(A) The horses are owned and being raised by a farmer, who would qualify or is currently qualified for farm plates; and

(B) The horses are being transported on an exchange of labor basis as provided in ORS 805.390 or as provided under ORS 825.024.

(b) A farmer who also operates, works for, or in some way participates in a non-farming business, industry or any other non-farming operation may not use farm registered vehicles in the transportation of supplies, equipment, goods or materials, etc., for the non-farming business, industry or other operation.

(4) A farmer who has farm registered vehicles may loan, rent or lease those vehicles to another farmer who is, or would otherwise be, qualified under ORS 805.310 for farm registration for vehicles of the type and size being borrowed, rented or leased. It shall be the responsibility of the farmer owning loaned, rented or leased farm registered vehicles to insure that:

(a) The farmer to whom the vehicles are loaned, rented or leased is qualified for vehicles of the type and size being loaned, rented or leased; and

(b) The vehicles loaned, rented or leased to another farmer are used only for those uses permitted by Oregon law.

(5) A farmer may use a vehicle registered for farm use to transport firewood, dirt, rock or other material removed from the farm, except items prohibited under ORS 805.390, that the farmer must

transport incidental to the regular operation of the farm. Operations under this section must be conducted in the name of the farm.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 805.300 - 805.410

Stats. Implemented: ORS 805.390

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 12-1984, f. & ef. 9-17-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0088; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96; DMV 16-2004, f. & cert. ef. 7-15-04

**735-048-0030**

**Need for Vehicles Used in Conjunction with a Farming Operation**

(1) For a vehicle to be considered needed in conjunction with a farming operation for purposes of farm registration, the Department shall consider:

(a) Annual or quarterly yield of agricultural commodities, agricultural products or livestock;

(b) Design, capacity and use of vehicles in direct relationship to the agricultural commodities, agricultural products or livestock produced or raised; or

(c) Incidental factors such as distance to market, frequency of harvest, and volume of crops or livestock ready for market at a given time.

(2) The Department, in determining if a vehicle(s) is needed in the farming operation, shall consider only the need that is directly related to the farmer's own farming operation. Examples of how this section applies include, but shall not be limited to, the following:

(a) Transportation of agricultural commodities raised on a farmer's own farm, and transportation of supplies used or consumed on a farmer's own farm, may be considered in determining need;

(b) Transportation of straw baled by the farmer, but which originated on other than the farmer's own farm or on land not under written lease to the transporting farmer, shall not be considered in determining the need for a vehicle;

(c) Transportation under a permit issued under ORS 825.024 shall not be considered in determining the need for a vehicle.

(3) For vehicles having a combined gross weight of 26,001 pounds or more or which are operated in combinations of four or more axles (other than a pickup truck), the annual yield of agricultural commodities, agricultural products, or livestock of the farming operation at a minimum must be sufficient to fill each vehicle to registered capacity at least once annually. A special purpose vehicle used in conjunction with the farm, but not for the transportation of agricultural commodities, agricultural products or livestock (e.g., tank truck used only for water) is exempt from the requirements provided by this subsection.

Stat. Auth.: ORS 184.616, 184.619, 805.200 & 805.300 - 805.410

Stats. Implemented: ORS 805.310

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986; Administrative Renumbering 3-1988, Renumbered from 735-071-0089, f. & ef. 1-30-8; DMV 10-1996, f. & cert. ef. 11-21-96

**735-048-0040**

**Application and Annual Requalification**

(1) Application for farm registration or renewal shall be made as provided in this rule. The applicant shall demonstrate to the satisfaction of MCTD that the applicant qualifies for farm registration as provided in ORS 805.310 and the vehicles for which farm registration is sought are reasonably required for farm operations.

(2) Qualification and application for farm registration or renewal are in addition to registration requirements in statute and rule for any vehicle, including the requirements to be titled in Oregon and, if the vehicle is a motor vehicle, to be covered by financial responsibility.

(3) To qualify for farm registration the owner of the farm shall submit an application that includes:

(a) All of the information required under ORS 805.320, including statements and certifications;

(b) The number of axles of each motor vehicle, or if used in a combination of vehicles, the number of axles in the combination;

(c) If none of the vehicles for which farm registration is sought will be operated in combinations of four or more axles (other than pickup trucks) or at weights exceeding 26,000 lbs., a statement to that effect; and

(d) A statement that the applicant shall immediately notify MCTD if there is any substantial change in the farming operation as defined in OAR 735-048-0000, and will comply with the provisions of the rules in division 48.

(4) Owners of farming operations that operate vehicles or combination of vehicles (other than pickup trucks) with four or more axles shall annually requalify for farm or proportional farm registration as required under ORS 805.322:

(a) The requalification process for farming operations shall be staggered throughout the calendar year. MCTD shall determine the date by which a given farming operation is to requalify based on factors including but not limited to when the owner originally qualified for farm registration;

(b) MCTD shall provide notice and an application for the owner to use in requalifying. To requalify, the owner shall verify that all of the information previously submitted under statute and this rule is still correct or provide MCTD with information on any changes since the owner last qualified; and

(c) If a person required to requalify under this section fails to do so, MCTD:

(A) Shall refuse to renew or issue farm registration for vehicles for that farm; and

(B) May cancel any existing farm registrations.

(5)(a) If vehicles or combination of vehicles with four or more axles (other than pickup trucks) have been added since the owner last qualified, the owner shall provide MCTD with enough information to qualify for the additional vehicles. The information shall be on a form prescribed by MCTD and shall include:

(A) The name and business or residence address of the applicant;

(B) The township and number of acres of one or more of the farms, orchards, or ranches upon which the motor vehicle sought to be registered is to be used;

(C) The type and amount of agricultural commodities, agricultural products or livestock produced annually on one or more of the farms upon which the motor vehicle sought to be registered is to be used; and

(D) A statement that the vehicle registered under ORS 805.300 is being used for one or more of the purposes described in ORS 805.390.

(b) A vehicle for which use and capacity is substantially the same and which was bought or leased to replace a vehicle previously registered as a farm vehicle, does not qualify as an "additional vehicle."

(6) When a substantial change in a qualified farming operation occurs, the owner shall:

(a) Surrender farm registration plates and devices to MCTD if the owner or vehicle(s) no longer qualifies; or

(b) Submit a new application for farm registration if requested by MCTD.

(7) If the ownership of the farming operation changes, the new owner shall:

(a) Apply for initial farm or proportional farm registration; or

(b) Surrender any farm registration plates or proportional farm registration devices not previously surrendered to MCTD.

(8) To be eligible for farm or proportional farm registration the following conditions apply to vehicles:

(a) Vehicles owned by a business (e.g., company, corporation, cooperative, etc.) will be eligible only if that business (not just the owner of the business) is actually engaged in a farming operation;

(b) The vehicle must be of the type designed or used to carry, convey or move freight, articles, persons or things over the highways; and

(c) All vehicles used in a particular farming operation and for which farm or proportional farm registration is applied must be titled and registered in the same name. An exception to this would be where there are multiple owners of the same land who are engaged jointly in a farming operation on said land, but who individually own vehicles. Such vehicles may be registered in the appropriate owner's name.

Stat. Auth.: ORS 184.616, 184.619 & 805.300 - 805.410

Stats. Implemented: ORS 805.310 & 805.320

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0090; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96

### 735-048-0050

#### Additional Requirements

(1) Persons applying for original issue or renewal of farm or proportional farm registration or seeking to add vehicles to their farm or proportional farm registration may be required to furnish additional documentation to satisfy MCTD that the person and vehicles qualify

for farm registration. The additional required documentation may include such things as:

(a) Evidence of annual yield of various types of agricultural commodities, agricultural products or livestock;

(b) Proof of ownership of vehicles or property including rental or lease agreements; or

(c) Proof of access by ownership, or by lease or rental agreements to show sufficient acreage to support the raising or producing of agricultural commodities, agricultural products or livestock as may be claimed under subsection (1)(a) of this rule.

(2) Persons applying for or operating under farm or proportional farm registration may also be required to provide the additional information in section (1) of this rule and to make vehicles or property available for inspection by MCTD when conducting an investigation related to use of farm registered vehicles.

Stat. Auth.: ORS 184.616, 184.619, 805.200 & 805.300 - 805.410

Stats. Implemented: ORS 805.320

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0091; DMV 10-1996, f. & cert. ef. 11-21-96

### 735-048-0060

#### Plates and Devices Issued

(1) Farm registered vehicles shall be issued registration plates.

(2) A vehicle registered on a proportional basis for interstate use shall be issued proportional registration plates. In addition, the vehicle shall be issued a device to reflect the farm registration:

(a) The device(s) shall identify the vehicle as being registered under proportional farm registration and shall be in a form of a registration plate(s) to be affixed to the exterior of the vehicle; or

(b) The Department may issue a temporary device in the form of a permit which shall be carried in the vehicle.

Stat. Auth.: ORS 184.616, 184.619 & 805.300 - 805.410

Stats. Implemented: ORS 805.200 & 805.400

Hist.: MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-100-0740; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96

### 735-048-0070

#### Complaints

Complaints about improper farm or proportional farm registration or misuse of vehicles registered may be filed with MCTD headquarters: 550 Capitol St. NE, Salem, Oregon 97310.

Stat. Auth.: ORS 184.616, 184.619, 805.200 & 805.300 - 805.410

Stats. Implemented: ORS 805.380 & 805.410

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0092; DMV 10-1996, f. & cert. ef. 11-21-96

### 735-048-0080

#### Cancellation

(1) MCTD may cancel farm registrations or proportional farm registration devices as provided under ORS 805.200, 805.380, 805.410, 809.090 or as otherwise provided by law.

(2) As used in ORS 805.380:

(a) To "cancel the registration of any vehicle that has registration issued under ORS 805.300" means any vehicle for which the owner, lessee or employee involved either has farm registration at the time of the initial cancellation action, or for which they apply for farm registration within one year (12 months) of the original cancellation action; and

(b) "One year after cancellation" refers to calendar months, and shall begin on the first day of the cancellation and end exactly 12 months later. (Example: If cancellation took effect on June 15, 1994, the one year would expire on June 14, 1995.)

(3) The owner of farm registered vehicles who has loaned, rented or leased such vehicles to another qualified farmer as permitted in OAR 735-048-0020, shall be subject to farm plate registration cancellation if the borrower, renter or lessee of such vehicle is found in violation of farm plate registration regulations if the owner knew, or should have known, the vehicle was being used in violation of ORS 805.300 through 805.410.

Stat. Auth.: ORS 184.616, 814.619 & 805.300 - 805.410

Stats. Implemented: ORS 805.380 & 805.410

Hist.: MV 20-1983 f. 12-30-83, ef. 1-1-84; MV 3-1986, f. & ef. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0093; MV 11-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 10-1996, f. & cert. ef. 11-21-96

DIVISION 50

FINANCIAL RESPONSIBILITY

735-050-0000

**Determination of Ownership**

(1) Any person whose name appears as an owner on the motor vehicle registration will be considered an owner for financial responsibility purposes, unless exempted under sections (3) through (5) of this rule. Unless otherwise provided, any person seeking an exemption under this order must furnish the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) with a self-serving affidavit and an affidavit against interest from the person who holds the primary ownership interest in the motor vehicle. However, the affidavit against interest requirement may be waived if the department determines it to be unfeasible.

(2) Where the parties are married and living together, both parties will be considered owners.

(3) Where the parties are married and living apart, an owner may be exempted from financial responsibility by showing that there has been a complete relinquishment of the motor vehicle by such person. A separation agreement showing the date at which complete relinquishment of the motor vehicle occurred is also satisfactory.

(4) Where the parties have been divorced, and have had joint ownership of the vehicle, it will be the duty of the one obtaining possession of vehicle through the divorce decree to present the title and a copy of the decree to DMV so that the other party will no longer be held liable if an accident should occur subsequent to the decree. If the party obtaining the title to the vehicle by virtue of the divorce fails to present the title and decree, and is involved in an uninsured accident, the other party shall be relieved of liability under the financial responsibility law of the state by presenting to DMV an affidavit and a copy of the divorce decree to establish that his ownership interest was transferred by operation of law to the other party to the divorce and that he is no longer in possession of the motor vehicle.

(5) Where a nonmarital relationship exists, an owner may be exempted from financial responsibility only where it can be shown by affidavits, as provided in section (1) of this rule, that such person does not exhibit any incidents of having the right to immediate possession of the motor vehicle. The following are the incidents of who has the right to immediate possession:

(a) The person who has paid or is paying all or a substantial part of the purchase price of the motor vehicle. Evidence of payments will be required by DMV;

(b) The person who has paid the major portion of the maintenance and operation costs. If possible, this will be supported by documentation; and

(c) The person who uses the car the greater amount of time.

(6) Where a person has sold a motor vehicle and has transferred possession to the buyer but the application for transfer of title has not been presented to DMV, he will be considered an owner for financial responsibility purposes, unless the seller can produce affidavits, as provided in section (1) of this rule, or a written purchase agreement signed by the buyer showing that the right to immediate possession rests in the buyer.

Stat. Auth.: ORS 802.010 & 806.010

Stats. Implemented: ORS 806.010

Hist.: MV 32, f. 10-5-66; MV 36, f. 11-22-67; Administrative Renumbering 3-1988, Renumbered from 735-033-0015

735-050-0010

**Proof that an Accident is Not Reportable**

(1) ORS 811.720 establishes when an accident must be reported to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV). If one person reports an accident and provides information that another party must report the accident, the second party may dispute the circumstances of the accident and the requirement to report to DMV. DMV must suspend driving privileges if a party involved in an accident fails to file an accident report when required.

(2) If DMV issues a suspension notice resulting from information that a party involved in an accident has failed to file an accident report as required, the party may provide proof to the DMV Accident Reporting Unit that the accident is not reportable. Proof of vehicle damage

or injury must apply only to the party's vehicle or its occupants. Acceptable proof includes, but is not limited to, the following:

(a) A repair bill or estimate from an automotive repair business or statement from an insurance company responsible for paying the damage claim, showing damage to the party's vehicle is less than \$1500;

(b) A repair bill or estimate, statement from an insurance company responsible for paying the damage claim or a statement from the owner of the property, showing damage to property other than a vehicle involved in the accident is less than \$1500;

(c) The party's sworn statement that his or her vehicle was not towed from the accident scene. The statement must be notarized; or

(d) The party's sworn statement or a statement from the insurance company responsible for the damage claim that no person in the party's vehicle was injured as a result of the accident. The party's statement must be notarized.

(3) After reviewing the information provided, DMV will send a notice to the party stating whether or not an accident report must be filed with DMV.

(4) If DMV determines that the accident was not reportable for the party, DMV will stop or rescind any proposed suspension of the party's driving privileges.

(5) If DMV determines that the accident was not reportable for any party involved, DMV will remove the accident from the driving record of each party.

(6) For purposes of this rule, "party" means the driver or owner of a vehicle involved in an accident occurring on a highway or upon premises open to the public.

Stat. Auth.: ORS 802.010 & 806.250

Stats. Implemented: ORS 811.720

Hist.: MV 54, f. 7-2-74, ef. 7-25-74; Administrative Renumbering 3-1988, Renumbered from 735-033-0020; DMV 10-2006, f. & cert. ef. 8-25-06

735-050-0020

**Self-Insurance Qualifications**

(1) All applicants for self-insurance certificates pursuant to ORS 806.130 must apply by means of the "Application for Self-Insurance Certificate," Form Number 735-6798.

(2) DMV will issue a non-expiring self-insurance certificate to any applicant who:

(a) Certifies they are a local public body, as defined in ORS 30.260, which establishes a self-insurance program under ORS 30.282 for or on account of the operation of motor vehicles within the local public body's control;

(b) Certifies they are a public body, as defined in ORS 30.260, which insures the operation of motor vehicles within the public body's control under the provisions of ORS Chapter 278 or by contract with the Department of Administrative Services under ORS 30.282(4).

(c) Certifies that they are a federal agency of the United States; or

(d) Provides a certified copy of the Federal Motor Carrier Safety Administration written decision, order or letter authorizing the applicant's self-insured status.

(3) DMV will issue a self-insurance certificate that is valid for one year from the date of issuance to a qualified applicant who provides:

(a) An annual financial report issued within the last 12 months that shows to the satisfaction of the Department that the applicant has retained earnings in an amount as set forth in section (4) of this rule. The financial report must be an audited or reviewed report and contain statements and footnotes as required by generally accepted accounting principles, be signed by a licensed public accountant or a certified public accountant.

(b) A list of each vehicle that will be covered by the self-insurance certificate, including type of vehicle, plate number or vehicle identification number (VIN).

(c) A three-year motor vehicle accident history statement including the total number of motor vehicle accidents, accident claims against the applicant, claims satisfied, and judgments settled.

(d) A certification that the applicant:

(A) Has no unsettled judgments of the type described in ORS 806.040. For purposes of this subsection, a judgment is settled as described in ORS 809.470;

(B) Has more than 25 motor vehicles registered in the applicant's name; and

(C) Agrees to pay the same amounts with respect to an accident occurring while the self-insurance certificate is valid that an insurer would be obligated to pay under a motor vehicle liability policy, including uninsured motorist coverage and liability coverage to at least the limits specified in ORS 806.070.

(4) In order to satisfy the department that the applicant for self-insurance is qualified, the financial report required by section (3)(a) of this rule must show retained earnings available to pay and discharge judgments described under ORS 806.040 equal to or above the limits required by this based on type and number of vehicles. A fleet of mixed vehicle types must use the figures for the predominant vehicle type. The department may require a higher retained earnings amount than is listed in this rule, as determined by the department, if from the applicant's motor vehicle accident statement the department has reason to believe the applicant's accident rate is too high. The requirements are as follows:

(a) Private Passenger, Non-Rental Fleets: Fleet Size — Retained Earnings:

- (A) 26 — 100 vehicles — \$100,000.
- (B) 101 — 250 vehicles — \$190,000.
- (C) 251 — 500 vehicles — \$295,000.
- (D) 501 — 750 vehicles — \$440,000.
- (E) 751 — 1000 vehicles — \$575,000.
- (F) 1001 — 1300 vehicles — \$770,000.
- (G) 1301 — 1600 vehicles — \$850,000.
- (H) 1601 — 2500 vehicles — \$1,150,000.
- (I) 2501 — 5000 vehicles — \$1,950,000.
- (J) 5001 — 7500 vehicles — \$3,100,000.

(b) Private Passenger, Rental Fleets: Fleet Size — Retained Earnings:

- (A) 26 — 100 vehicles — \$100,000.
- (B) 101 — 250 vehicles — \$100,000.
- (C) 251 — 500 vehicles — \$100,000.
- (D) 501 — 750 vehicles — \$160,000.
- (E) 751 — 1000 vehicles — \$210,000.
- (F) 1001 — 1300 vehicles — \$280,000.
- (G) 1301 — 1600 vehicles — \$310,000.
- (H) 1601 — 2500 vehicles — \$420,000.
- (I) 2501 — 5000 vehicles — \$710,000.
- (J) 5001 — 7500 vehicles — \$1,120,000.
- (K) 7501 — 10,000 vehicles — \$1,520,000.
- (L) 10,001 — 15,000 vehicles — \$2,120,000.
- (M) 15,001 — 20,000 vehicles — \$2,900,000.
- (N) 20,001 — 25,000 vehicles — \$3,675,000.
- (O) 25,001 — 30,000 vehicles — \$4,425,000.
- (P) 30,001 — 35,000 vehicles — \$5,200,000.

(c) Trucks, Tractors and Trailers: Fleet Size — Retained Earnings:

- (A) 26 — 100 vehicles — \$100,000.
  - (B) 101 — 250 vehicles — \$190,000.
  - (C) 251 — 500 vehicles — \$300,000.
  - (D) 501 — 750 vehicles — \$445,000.
  - (E) 751 — 1000 vehicles — \$580,000.
  - (F) 1001 — 1300 vehicles — \$775,000.
  - (G) 1301 — 1600 vehicles — \$900,000.
  - (H) 1601 — 2500 vehicles — \$1,150,000.
  - (I) 2501 — 5000 vehicles — \$2,000,000.
  - (J) 5001 — 7500 vehicles — \$3,100,000.
- (d) Van Pools and Towing: Fleet Size — Retained Earnings:
- (A) 26-100 vehicles — \$125,000.
  - (B) 101 — 250 vehicles — \$250,000.
  - (C) 251 — 500 vehicles — \$380,000.
  - (D) 501 — 750 vehicles — \$570,000.
  - (E) 751 — 1000 vehicles — \$750,000.
  - (F) 1001 — 1300 vehicles — \$1,010,000.
  - (G) 1301 — 1600 vehicles — \$1,150,000.
  - (H) 1601 — 2500 vehicles — \$1,550,000.
  - (I) 2501 — 5000 vehicles — \$2,650,000.
  - (J) 5001 — 7500 vehicles — \$4,200,000.

(e) Taxis and Limousines; Fleet Size — Retained Earnings:

- (A) 26 — 100 vehicles — \$400,000.
- (B) 101 — 250 vehicles — \$800,000.
- (C) 251 — 500 vehicles — \$1,240,000.
- (D) 501 — 750 vehicles — \$1,920,000.

- (E) 751 — 1000 vehicles — \$2,260,000.
- (F) 1001 — 1300 vehicles — \$2,590,000.
- (G) 1301 — 1600 vehicles — \$3,550,000.
- (H) 1601 — 2500 vehicles — \$4,100,000.
- (I) 2501 — 5000 vehicles — \$9,850,000.
- (J) 5001 — 7500 vehicles — \$15,950,000.

(5) To be reissued a one-year self insurance certificate that continues the certification without interruption, the holder of a current certificate must provide the documents and certifications described in section (3) of this rule at least 30 days prior to expiration of the current certificate.

(6) DMV may cancel a self-insurance certificate if any of the following circumstances occur:

(a) DMV has a reasonable basis to believe that any of the information contained in the application or supporting documents submitted by an applicant is false;

(b) DMV learns that the self-insurance certificate holder has failed to settle any judgment described under ORS 806.040 within 60 days after it has become final. For purposes of this subsection, a judgment is settled as described under ORS 809.470; or

(c) Authorization for self-insurance has been revoked by the Federal Motor Carrier Safety Administration.

Stat. Auth.: ORS 806.130 & 806.140

Stats. Implemented: ORS 806.130 - 806.140

Hist.: MV 8-1979, f. & ef. 10-18-79; MV 4-1985, f. 5-15-85, ef. 5-16-85; Administrative Renumbering 3-1988, Renumbered from 735-033-0025; MV 8-1987, f. 7-16-87, ef. 8-1-87; DMV 7-2007, f. 5-24-07, cert. ef. 9-1-07

### 735-050-0050

#### Content of Financial Responsibility Certificate and Procedure for Processing

(1) A certificate of insurance, for purposes of proving future responsibility, must be submitted on a form known as an SR-22. The following defines the required contents of an SR-22 certificate.

(2) SR-22s are required to have and will not be accepted unless they have:

(a) The insured's complete name and address. If two names are on the certificate, it will not be accepted. The only exception is an "on-behalf-of" certificate. An "on-behalf-of" certificate is filed by an owner of a motor vehicle, showing proof of financial responsibility on behalf of their employee or a member of their immediate family in lieu of the driver furnishing such proof. The filing of this type of certificate only permits the person to operate a motor vehicle covered by the proof and the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall place a restriction on the license to that effect;

(b) Insured's driver's license number and date of birth;

(c) Insurance company name and not the agent. Company name is acceptable if preprinted on the back of the form, or typed on the front;

(d) Policy number;

(e) Effective date of the policy;

(f) Box must be checked, showing whether the policy is an operator's or owner's. If owner's, must describe all vehicles owned by policy;

(g) The certificate must show Oregon as state to be filed in. The insurance carrier issuing the certificate must be authorized by the Insurance Division of the Oregon Department of Commerce to do business in Oregon;

(h) Authorized signature for insurance company;

(i) Date SR-22 was typed. If it was presented to DMV more than 30 days after the date it was typed, it will not be accepted; and

(j) A statement that **"The company signatory hereto hereby certifies that it has issued to the above named insured a motor vehicle liability policy as required by the financial responsibility laws of this state, which policy is in effect on the effective date of this certificate."**

(3) The statement in subsection (2)(j) of this rule will also satisfy the requirements of ORS 806.075, as a declaration of the issuing insurance company that it has assumed the higher liability limits required for a Driving Under the Influence of Intoxicants conviction under the financial responsibility laws of Oregon.

(4) SR-22 certificates shall cover all vehicles currently registered by the insured in the State of Oregon.

(5) One certificate per customer visit may be submitted at any DMV field office for purposes of filing provided the office has video computer capability. Offices without video computer terminal capability will not accept SR-22 certificates.

Stat. Auth.: ORS 801.290, 802.010, 806.075 & 806.270  
 Stats. Implemented: ORS 806.270  
 Hist.: MV 15-1984, f. & ef. 11-1-84; Administrative Renumbering 3-1988, Renumbered from 735-033-0045; MV 21-1987, f. 9-21-87, ef. 9-27-87

**735-050-0055**

**Proof of Compliance with Financial Responsibility Requirements; Registration Renewal**

(1) This rule specifies the information that constitutes satisfactory proof of compliance with financial responsibility requirements for the purposes of vehicle registration renewal under ORS 803.460.

(2) Information that a motor vehicle liability insurance policy has been issued for a vehicle applying for renewal of registration, submitted by insurers under ORS 742.580, 806.195, and OAR 735-050-0130 through 735-050-0160, constitutes satisfactory proof of compliance with financial responsibility requirements, unless DMV has reason to believe that the information is incorrect or outdated, or that the policy has been cancelled or not renewed.

(3) Nothing in this rule shall be construed to prevent DMV:

(a) From requiring an applicant for vehicle registration renewal to certify compliance with financial responsibility requirements, as set forth in ORS 803.460(1); and

(b) From using any information submitted by insurers under ORS 742.580, 806.195 and OAR 735-050-0130 through 735-050-0160, to verify the accuracy of any certification of compliance with financial responsibility submitted by the owner of a vehicle, or for any other purpose related to enforcement of compliance with financial responsibility requirements.

Stat. Auth.: ORS 184.616, 184.619 & 803.460  
 Stats. Implemented: ORS 803.370 & 803.460  
 Hist.: DMV 19-2002, f. & cert. ef. 10-14-02

**735-050-0060**

**Good Faith Belief of Compliance with Financial Responsibility Requirements — Purpose and Definitions**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will terminate future responsibility requirements and rescind a financial responsibility suspension of a person's driving privileges as allowed by ORS 806.245, 809.380 and 809.450 when the person:

(a) Is currently in compliance; and

(b) Reasonably and in good faith believed he or she was in compliance at the time of the accident or DMV's letter of verification.

(2) For purposes of OAR 735-050-0060 through 735-050-0064 "good faith" means a state of mind of honesty in purpose and freedom from intent to defraud. Failure of a person to inquire further when the person could reasonably be expected to do so constitutes absence of good faith.

(3) For purposes of OAR 735-050-0060 through 735-050-0064, "reasonably believed" or "reasonable belief" means a belief based on the combinations of facts that existed and the circumstances that a person knew, or with ordinary diligence should have known, which would give cause for a rational person to believe.

(4) It is presumed that a person has knowledge of the contents of his or her motor vehicle liability insurance policy.

(5) DMV will rescind a suspension under this rule if DMV is presented with evidence that the person reasonably and in good faith believed that the person was in compliance with financial responsibility requirements. Evidence for the above may be presented to the Accident Reports Unit or at a hearing. In either case, examples of such evidence include, but is not limited to, the following:

(a) Copies of cancelled checks, money orders or receipts for cash that show payment was received for an automobile liability insurance policy;

(b) Written verification on agency or company letterhead or sworn testimony from the insurance producer;

(c) Copies of insurance policies, binders, declarations or applications; and

(d) Notarized written statements or sworn testimony from spouses, co-owners of current or former policies or others involved in the payment of policy premiums.

(6) A person is entitled to a hearing on rescinding of the suspension of the person's driving privilege under this rule. A negative determination by the Accident Reports Unit does not limit the right to a hearing.

Stat. Auth.: ORS 184.616, 184.619, 806.245, 809.380 & 809.450  
 Stats. Implemented: ORS 806.245, 809.380 & 809.450  
 Hist.: MV 17-1985, f. 12-19-85, ef. 1-1-86; MV 22-1987; Administrative Renumbering 3-1988, Renumbered from 735-033-0055, f. 9-21-87, ef. 9-27-87; MV 7-1989, f. & cert. ef. 2-1-89; DMV 20-2003, f. 12-15-03 cert. ef. 1-1-04

**735-050-0062**

**What Constitutes "Reasonably and in Good Faith"**

(1) Examples of circumstances that constitute reasonable and good faith belief include, but are not limited to, the following:

(a) An insurance company accepted application and payment for liability insurance covering the period of time in question;

(b) An insurance producer told a person that he or she was insured or would be insured by a particular policy, and the person was not told otherwise until after the accident or the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) random sample;

(c) A separated spouse or other additional holder of an insurance policy cancels the policy without the person's knowledge and consent as shown by:

(A) Proof of legal separation; or

(B) A written statement from the party canceling the policy; and

(d) A person is not yet 21 years old, is attending school or is in the military service and believes he or she is covered by a parent's policy.

(2) DMV will use the examples in section (1) of this rule as guidelines in making decisions. However, each request for the rescinding of a suspension under this rule will be reviewed on a case-by-case basis.

Stat. Auth.: ORS 184.616, 184.619, 806.245, 809.380 & 809.450  
 Stats. Implemented: ORS 806.245, 809.380 & 809.450  
 Hist.: MV 7-1989, f. & cert. ef. 2-1-89; DMV 20-2003, f. 12-15-03 cert. ef. 1-1-04

**735-050-0064**

**What Does Not Constitute "Reasonably and in Good Faith"**

(1) Examples of beliefs that do not constitute a reasonable and good faith belief include, but are not limited to, the following:

(a) Belief that a vendor's single interest (VSI) or other policy issued by a dealer or financing institution provides motor vehicle liability coverage. That policy or its declarations must clearly state that it does not provide motor vehicle liability insurance, does not meet financial responsibility requirements or contain some other similar statement;

(b) Belief by a person who is not yet 21 years of age, not attending school or not in military service, and not residing with a parent that he or she is covered by a parent's policy;

(c) Belief by a person that a policy meets the requirements of the financial responsibility law when the person has not read the policy declarations and limitations;

(d) Belief that a policy is still in force because of non-receipt of a notice of cancellation, unless the person presents substantial evidence showing that the insurance company did not meet the notification requirements for cancellation found in ORS Chapter 742;

(e) Belief that a spouse normally pays all bills and must have paid an insurance premium; and

(f) Belief based only upon an insurance producer's representation after an accident has occurred when, at the time of the accident, the person did not reasonably believe that they were covered.

(2) The Driver and Motor Vehicle Services Division of the Department of Transportation will use the examples in section (1) of this rule as guidelines in making decisions. However, each request for the rescinding of a suspension under this rule will be reviewed on a case-by-case basis.

Stat. Auth.: ORS 184.616, 184.619, 806.245, 809.380 & 809.450  
 Stats. Implemented: ORS 806.245, 809.380 & 809.450  
 Hist.: MV 7-1989, f. & cert. ef. 2-1-89; DMV 20-2003, f. 12-15-03 cert. ef. 1-1-04

**735-050-0070**

**Suspensions for Uninsured Accidents**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will suspend the driving privileges of any person if the person is involved in any motor vehicle

accident at any time when DMV determines the person has been driving uninsured.

(2) DMV will determine that a person was the driver of a vehicle involved in an accident if DMV receives a report to that effect from the police, an insurance carrier or producer, or any person involved in the accident.

(3) If the accident must be reported to DMV, DMV will determine that a person was involved in an accident while driving uninsured if:

(a) The person does not respond to DMV's request for an accident report;

(b) The person does not respond to DMV's request for both the name of the insurance carrier and the policy number which covered the person's operation of the vehicle at the time of the accident; or

(c) The insurance carrier the person stated he or she was insured with denies coverage for the accident.

(4) DMV will grant a pre-suspension hearing under ORS 809.440(1), upon timely request, to any person whose driving privileges are suspended as described in section (1) of this rule. The suspension will not take effect pending the outcome of the hearing and DMV will impose the suspension if the hearings officer affirms the suspension following the hearing.

(5) Once a suspension described in section (1) of this rule takes effect, DMV will rescind the suspension if the person supplies the name of an insurance carrier and policy number which covered the person's operation of the vehicle at the time of the accident.

(6) DMV will again suspend the driving privileges if the suspension was rescinded under section (5) and the insurance carrier subsequently denies coverage for the accident. The person will be eligible for full reinstatement of driving privileges one year from the new suspension date.

**EXCEPTION:** DMV shall subtract time served under the original uninsured accident suspension from the one-year suspension period.  
Stat. Auth.: ORS 184.616, 184.619 & 809.417  
Stats. Implemented: ORS 809.417  
Hist.: MV 22-1985, f. 12-31-85, cf. 1-1-86; Administrative Renumbering 3-1988, Renumbered from 735-033-0065; MV 15-1991, f. 9-18-91, cert. ef. 10-1-91; DMV 20-2003, f. 12-15-03 cert. ef. 1-1-04; DMV 10-2006, f. & cert. ef. 8-25-06

**735-050-0080  
Financial Responsibility Verification Program**

(1) DMV will randomly select motor vehicles for financial responsibility verification. The total number randomly selected each year will not exceed ten percent of the motor vehicles registered in Oregon that are subject to verification.

(2) DMV may, in addition, designate persons for verification of financial responsibility requirements if DMV has reasonable grounds to believe that the person is in violation of financial responsibility requirements. The DMV's determination of reasonable grounds will be based on the following:

(a) Written statements from police, insurance companies, insurance producers, and the public;

(b) Any admission to DMV by the owner of an Oregon-registered vehicle that the vehicle is not insured;

(c) Receipt by DMV of any record from another jurisdiction that the owner of any Oregon-registered vehicle was convicted of driving uninsured, regardless of the vehicle driven at the time of offense.

(d) Receipt by DMV of any record from another jurisdiction indicating that an Oregon-registered vehicle was driven without insurance, regardless of who was driving the vehicle;

(e) Statements made during an administrative hearing by a driver or owner of a vehicle that the Oregon-registered vehicle was driven while uninsured; or

(f) No record of submission from an insurance company, pursuant to ORS 742.580, 806.195 and OAR 735-050-0130 through 735-050-0160, that a motor vehicle liability insurance policy has been issued.

(3) DMV will use a written statement as identified in section (2)(a) of this rule as a basis for a financial responsibility verification request only if the person making the statement does all of the following:

(a) Signs and dates the request;

(b) Identifies the vehicle which the person believes is being operated in violation of financial responsibility requirements; and

(c) Explains why the person believes the vehicle is being operated in violation of financial responsibility requirements and includes facts that would cause a reasonable person to believe the vehicle is being operated in violation of financial responsibility requirements.

(4) DMV will suspend the driving privileges or right to apply for driving privileges of any person who fails to make a future responsibility filing after failing verification or who falsely certifies compliance with financial responsibility requirements.

(5) A person who fails to make a future responsibility filing after failing verification or who falsely certifies compliance with financial responsibility requirements is entitled to a pre-suspension hearing in accordance with ORS 809.440(1) and 809.415. If no pre-suspension hearing is held, a person may be entitled to a post-imposition hearing in accordance with OAR 735-050-0090.

Stat. Auth.: ORS 184.616, 814.619 & 806.150  
Stats. Implemented: ORS 806.150 & 809.450  
Hist.: MV 2-1986, f. & cf. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-033-0075; MV 12-1990, f. & cert. ef. 7-16-90; MV 6-1991, f. & cert. ef. 7-16-91; DMV 9-2003, f. & cert. ef. 7-17-03; DMV 20-2003, f. 12-15-03 cert. ef. 1-1-04

**735-050-0090  
Post-Imposition Financial Responsibility Hearing**

DMV may provide, upon request, for a post-imposition hearing to determine the validity of the suspension of driving privileges resulting from failing to make a future responsibility filing after failing verification or from falsely certifying compliance with financial responsibility requirements subject to the following:

(1) The suspension must have resulted from a failure to make a future responsibility filing after failing verification under ORS 809.410(10) or from a false certification of compliance with financial responsibility requirements under ORS 809.410(12).

(2) The person must not have had a previous hearing on the suspension.

(3) The person must have already provided to DMV any information that would indicate the vehicle in question was insured at the time of verification.

Stat. Auth.: ORS 184.616, 184.619 & 806.150  
Stats. Implemented: ORS 809.450  
Hist.: MV 2-1986, f. & cf. 1-30-86; Administrative Renumbering 3-1988, Renumbered from 735-033-0085; DMV 9-2003, f. & cert. ef. 7-17-03

**735-050-0100  
Future Responsibility Filing Requirements Following Mandatory Suspension or Revocation**

(1) For purposes of this rule, "proof" means proof of future responsibility filings.

(2) When a person must file proof following a suspension of the person's driving privileges under ORS 813.400, 809.410(2), (6), (7), (8), (21), or (35), or following a revocation under ORS 809.410(1), (3), (4), or (5), the three (3) year period for filing proof shall begin on the first day following the scheduled expiration date of the suspension or revocation. The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall reflect the filing requirement by making an entry on the person's driving record of the Proof Required Until (PRU) date. The PRU date shall be the ending date of the filing requirement.

(3) Before the expiration of the suspension or revocation for reasons identified in section (2) of this rule, DMV shall provide the person with notice that a suspension under ORS 809.415(3) shall be imposed for failure to make future responsibility filings unless proof is filed. The suspension notice shall specify the suspension for failure to file proof shall begin on the first day following the scheduled expiration date of the suspension or revocation for reasons identified in section (2) of this rule. Once the suspension for failure to file proof is imposed, it shall remain in effect until the PRU date or until the person files proof of responsibility, whichever comes first.

(4) The suspension for failure to file proof shall not take effect if the person files proof before the effective date of the suspension.

(5) Nothing in this rule shall limit the rights of a person to have a suspension rescinded if authorized by ORS 809.450.

Stat. Auth.: ORS 184.616 & 184.619  
Stats. Implemented: ORS 806.010, 806.060, 806.075, 806.240, 806.245, 809.410 & 813.400  
Hist.: MV 5-1989, f. & cert. ef. 1-17-89; DMV 6-1998, f. & cert. ef. 6-19-98

**735-050-0100  
Proof of Compliance With Financial Responsibility Requirements in Lieu of an Unexpired Insurance Card**

The following list establishes what constitutes "other current proof of compliance with financial or future responsibility require-

ments” under ORS 806.011, and “proof of compliance with financial responsibility requirements” under ORS 806.012:

- (1) An unexpired motor vehicle liability insurance policy for the particular vehicle which meets the standards set forth in ORS 806.080;
- (2) An unexpired motor vehicle liability insurance binder issued by the insurance company or its authorized producer for the particular vehicle which meets the standards set forth in ORS 806.080;
- (3) A letter signed by an authorized insurance producer or company official, on insurance producer or insurance company letterhead that verifies current insurance coverage;
- (4) A certificate of self insurance issued by DMV under ORS 806.130 naming the owner of the particular vehicle; or
- (5) A displayed Oregon dealer plate unless the dealership does not sell motorized vehicles and has completed a “Certificate of Exemption from Vehicle Liability Insurance for Vehicle Dealer,” DMV Form 735-7024.

Stat. Auth.: ORS 184.616, 184.619, 806.011 & 806.012  
 Stats. Implemented: ORS 806.011 & 806.012  
 Hist.: DMV 3-1994, f. & cert. ef. 7-21-94; DMV 22-2002, f. 11-18-02, cert. ef. 1-1-03; DMV 14-2003, f. 10-24-03, cert. ef. 1-1-04; DMV 20-2003, f. 12-15-03 cert. ef. 1-1-04

### Electronic Insurance Reporting

#### 735-050-0130

##### General Provisions for Electronic Insurance Reporting

(1) The purpose of OAR 735-050-0130 through 735-050-0160 is to establish the information required to be transmitted to DMV by insurance companies and the form in which the information must be transmitted, as required by ORS 806.195.

(2) Implementation of ORS 742.580, 802.270 and 806.195, and OAR 735-050-0130 through 735-050-0160 may be used to augment DMV insurance monitoring programs used in determining uninsured motorist issues but will not affect any financial responsibility requirements.

(3) Insurers must report information to DMV for:

- (a) Motor vehicles registered in Oregon;
- (b) Motor vehicles based in Oregon if the state of registration is unknown;
- (c) Licensed drivers with non-owner policies; and
- (d) Organizations with non-vehicle specific policies.

(4) Insurance information for the insurance data base will only be accepted from insurers. Insurance information brought or sent to DMV by the registered owner of a vehicle to update the DMV insurance data base will not be accepted.

(5) Insurers writing fewer than 1000 policies or policies on fewer than 1000 vehicles in Oregon may send information to DMV on diskette or paper.

(6) DMV must give at least 60 days notice to insurers of any change in reporting requirements.

Stat. Auth.: ORS 184.616 & OL 1993, Ch. 746  
 Stats. Implemented: OL 1993, Ch. 746  
 Hist.: DMV 1-1996, f. 2-16-96, cert. ef. 3-1-96; DMV 19-2001, f. & cert. 10-18-01

#### 735-050-0140

##### Definitions Relating to Electronic Insurance Reporting

The following definitions apply to OAR 735-050-0130 through 735-050-0160:

(1) “ANSI ASC X12” means the American National Standards Institute, Accredited Standards Committee X12 conventions currently used.

(2) “Customer identification number” means the driver license or permit number, identification card number or a DMV assigned customer number.

(3) “DMV” means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(4) “Driver license jurisdiction” means the state, territory or province that issued the customer identification number.

(5) “Insured” means the primary person or organization identified on the insurer records as the named holder for the coverage in force as described in ORS 806.080.

(6) “Insurer” means a person or organization engaged in the business of issuing motor vehicle liability insurance coverage designed to meet either the financial or future responsibility requirements of ORS Chapter 806.

(7) “NAIC” means the National Association of Insurance Commissioners.

(8) “Policy” means motor vehicle liability coverage issued by an insurer, identified as a specific vehicle policy, non-owner policy or a non-vehicle specific policy.

(9) “Termination date” means the date a policy or vehicle coverage is canceled, or the date coverage is no longer valid because a person failed to renew. This is inclusive of all grace periods or other interim actions the insurer may allow prior to canceling a policy or vehicle coverage.

(10) “Transaction type” means identification as new vehicle coverage or termination of vehicle coverage.

(11) “VIN” means the vehicle identification number.

Stat. Auth.: ORS 184.616 & OL 1993, Ch. 746  
 Stats. Implemented: OL 1993, Ch. 746  
 Hist.: DMV 1-1996, f. 2-16-96, cert. ef. 3-1-96; DMV 19-2001, f. & cert. ef. 10-18-01

#### 735-050-0150

##### Electronic Insurance Reporting

(1) All insurers must send insurance information electronically when a new vehicle is added, an insurance policy is issued or upon termination of vehicle coverage or policy coverage within the time limits established under ORS 742.580.

(2) Electronic transmissions must be sent and received using the AT&T Global service or other network service approved by DMV.

(3) The insurer must transmit insurance information to DMV using the ANSI ASC X12 standards, Transaction set 811.

(4) Any data transmitted or received electronically through the network specified by DMV must conform to system specifications. These include data structure, content and format.

(5) DMV will electronically check insurance information to determine the presence of data elements specified in OAR 735-050-0160. If the data elements are not present, DMV will reject the information. If rejected, DMV will electronically notify the insurer. Insurers must resubmit the insurance data, with all required data elements in a timely manner as specified in ORS 742.580.

(6) If an insurer determines any insurance information was submitted in error, insurers must submit a termination of the previous incorrect information and, if applicable, a replacement transaction, simultaneously.

(7) All terminations must include a policy number and vehicle identifiers that match exactly the record to be terminated.

Stat. Auth.: ORS 184.616 & OL 1993, Ch. 746  
 Stats. Implemented: OL 1993, Ch. 746  
 Hist.: DMV 1-1996, f. 2-16-96, cert. ef. 3-1-96; DMV 19-2001, f. & cert. ef. 10-18-01

#### 735-050-0160

##### Data Elements for Electronic Insurance Reporting

(1) The insurer must transmit the information specified in ORS 742.580, and the data elements established in section (2) of this rule for vehicle specific policies or section (3) of this rule for non-owner or non-vehicle specific policies.

(2) Mandatory data elements for vehicle specific policies are:

- (a) A complete VIN;
- (b) Vehicle make;
- (c) Vehicle year;
- (d) Insurance company number using the NAIC code;
- (e) Insurance policy number;
- (f) Insurance policy effective date, if the transaction type is new;
- (g) Insurance policy termination date, if the transaction type is terminate;
- (h) Transaction type code;
- (i) Transaction date, being the date insurance data is submitted;
- (j) Policy type; and
- (k) Vehicle registration plate number, if available.

(3) Mandatory data elements for non-owner or non-vehicle specific policies are:

- (a) Insurance company number using the NAIC code;
- (b) Insurance policy number;
- (c) Insurance policy effective date, if the transaction type is new;
- (d) Insurance policy termination date, if the transaction type is terminate;
- (e) Insured’s driver license jurisdiction;
- (f) Oregon DMV customer identification number of insured;
- (g) Insured’s date of birth, if a person and not an organization;



- (h) Transaction date, being the date insurance data is submitted;
  - (i) Policy type; and
  - (j) Vehicle registration plate number, if available.
- Stat. Auth.: ORS 184.616 & OL 1993, Ch. 746  
 Stats. Implemented: OL 1993, Ch. 746  
 Hist.: DMV 1-1996, f. 2-16-96, cert. ef. 3-1-96; DMV 19-2001, f. & cert. ef. 10-18-01

**DIVISION 59**

**SIGNS — GENERAL PROVISIONS**

**735-059-0100**

**Outdoor Advertising Permit and Business License Fees**

This rule establishes fees for outdoor advertising permits and business licenses as authorized by ORS 377.729.

(1) The fees for issuance of a permit for any sign in a year in which the sign is new, is relocated, as defined in ORS 377.710(26), or is reconstructed under ORS 377.725 are as follows: [Table not included. See ED. NOTE.]

(2) The fees for annual renewal of all sign permits issued under the authority of ORS 377.712, 377.725 and 377.726 are as follows: [Table not included. See ED. NOTE.]

(3) The fees for the annual renewal of permits that remain valid under ORS 377.725 pending relocation of a sign, where the sign is not currently on location, shall be \$10.

(4) The annual fees for outdoor advertising business licenses under ORS 377.730 are as follows: [Table not included. See ED. NOTE.]

(5) The following apply to the annual renewal of a permit issued under ORS 377.712, 377.725 or 377.726:

(a) The renewal is due by January 2nd. If a renewal is mailed, it must be post marked no later than January 2nd.

(b) A permit may be renewed within the 30-day grace period allowed by ORS 377.725(4), if a fee equal to twice the amount specified in section (2) of this rule is paid. A fee paid within the 30-day grace period must be received by ODOT or post-marked no later than February 1st.

(6) A permit that is not renewed in compliance with section (5) of this rule will be canceled. A canceled permit cannot be reinstated.

[ED. NOTE: Tables referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 377.725 & 377.729  
 Stat. Implemented: ORS 377.712, 377.725, 377.726, 377.729 & 377.730  
 Hist.: TO 6-2001(Temp), f. & cert. ef. 11-9-01 thru 5-7-02

**DIVISION 60**

**THIRD PARTY TESTING FOR COMMERCIAL DRIVER LICENSES**

**735-060-0000**

**Definitions**

(1) The following definitions apply to terms in OAR 735-060-0000 through 735-060-0130:

(a) "CDL" means commercial driver license.

(b) "CDL Certificate of Test Completion" is a document that certifies an individual is competent to safely exercise the commercial driving privileges granted by a Class A, Class B, Class C CDL, or an endorsement related to a CDL and that is issued by a CDL Third Party Examiner as authorized by ORS 807.080.

(c) "CDL Third Party Examiner" or "CDL Examiner" is an individual issued a Third Party Examiner Certificate by DMV that authorizes the individual to conduct certified drive tests to determine a driver's qualification to obtain a CDL and issue CDL Certificates of Test Completion.

(d) "CDL Third Party Examiner Certificate" or "Examiner Certificate" is a certificate issued by DMV that authorizes an individual to conduct certification drive tests to determine a driver's qualification to obtain a CDL, endorsement related to a CDL, or both and to issue CDL Certificates of Test Completion.

(e) "CDL Third Party Tester" or "CDL Tester" is an individual or entity issued a CDL Third Party Tester Certificate by DMV for the purpose of certifying the competency of drivers to safely exercise commercial driving privileges. For purposes of OAR 735-060-0000 to 735-060-0130 the term includes, but is not limited to, an individual, corporation,

association, firm, company, business, partnership, limited liability company, employer, federal or state agency, municipal corporation as defined by ORS 33.710, including a mass transit or transportation district, a publicly owned and operated educational facility and the Oregon Department of Education.

(f) "CDL Third Party Tester Certificate" or "Tester Certificate" is a driver competency testing certificate issued by DMV as authorized by ORS 807.080(2).

(g) "Calendar day" is a period that begins at 12:01 a.m. and ends at 11:59 p.m. on the same day.

(h) "Commercial truck or bus driver training school" means any school that trains the general public in driving commercial motor vehicles and has been licensed by the Oregon Department of Education as a licensed private career school.

(i) "Disqualified" means a person's CDL has been suspended, revoked, cancelled or withdrawn by a State or other jurisdiction, or the person is not qualified to operate a commercial motor vehicle under 49 CFR part 391. "Disqualified" has the same meaning given the term "disqualification" in 49 CFR part 383.5.

(j) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(k) "Employee" means a person who works for another for compensation, but does not include an independent contractor.

(l) "Employer" includes any of the following:

- (A) An individually owned business;
- (B) A company;
- (C) A corporation;
- (D) An association;
- (E) A cooperative; and
- (F) A federal, state, county or municipal agency, including a publicly owned and operated education facility and the Oregon Department of Education.

(m) "Major traffic crime" means a conviction under Oregon statute or city ordinance, or a comparable statute or city ordinance of any other jurisdiction, for any traffic offense that is punishable by a jail sentence and includes the following offenses:

- (A) Any degree of murder, manslaughter, criminally negligent homicide or assault resulting from the operation of a motor vehicle;
- (B) Driving under the influence of intoxicants;
- (C) Reckless driving as defined in ORS 811.140;
- (D) Failure to perform the duties of a driver involved in an accident or collision under ORS 811.700 or 811.705;
- (E) Criminally driving while suspended or revoked, as defined under ORS 811.182;

(F) Fleeing or attempting to elude a police officer, as defined in ORS 811.540;

(G) Vehicular assault of bicyclist or pedestrian under ORS 811.060;

(H) Reckless endangerment of highway workers, as defined in ORS 811.231;

(I) False accident report under ORS 811.740;

(J) Knowingly violating an out-of-service notice under ORS 825.990(2); or

(K) A violation of ORS 825.990(3).

(n) "Motor carrier" means for-hire carrier or private carrier as those terms are defined in ORS 825.005 and who is subject to the Federal Motor Carrier Safety Regulations.

(o) "Under the influence of intoxicants" means a person's physical or mental faculties are adversely affected by use of over the counter drugs or a lawfully prescribed controlled substance to a noticeable or perceptible degree, unlawful use of a controlled substance or consumption of an intoxicating liquor within six hours of or while conducting or taking a certification drive test.

(2) The terms of "employer" and "employee" are only applicable as used in OAR 735-060-0010 through 735-060-0130. They are not intended to affect any employer or employee rights, responsibilities or obligations.

Stat. Auth.: ORS 184.616, 184.619, 807.072 & 807.080  
 Stats. Implemented: ORS 807.040, 807.070, 807.072 & 807.080  
 Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 4-1987, f. & ef. 5-18-87; MV 23-1987, f. & ef. 9-28-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0600; MV 6-1990, f. & cert. ef. 4-2-90; MV 9-1991(Temp), f. & cert. ef. 7-26-91; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; MV 10-1992, f. 8-21-92, cert. ef. 9-1-92; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05

**735-060-0030**

**Qualifications for Third Party Testers**

(1) An applicant must meet the following qualifications for a CDL Third Party Tester Certificate:

(a) Sign and abide by all terms and conditions of a written CDL Third Party Tester Agreement with DMV;

(b) Maintain a business office or facility in which driver testing records are securely kept and are available for inspection or audit by DMV, the Oregon Secretary of State's Office or the Federal Highway Administration. To qualify as a business office or facility, it must be staffed and open during posted business hours and/or have a business phone with an answering service, answering machine or voice mail service, with the ability to return all business related messages no later than the following business day;

(c) Have a DMV approved testing program to administer standardized behind the wheel drive tests to applicants for a CDL license which complies with all the requirements set forth in OAR 735-060-0120;

(d) Have an owner who is certified as a CDL Third Party Examiner or has applied for certification as a Class CDL Third Party Examiner or employ a certified CDL Third Party Examiner. For purposes of this rule, owner does not include a shareholder of a corporation;

(e) Be in compliance with all federal, state and local laws or regulations, including all business and zoning requirements;

(f) Pass the inspection described in OAR 735-060-0040; and

(g) Submit to DMV a schedule of all testing services offered to the public and the fee charged for each of those services.

(2) To qualify as a Third Party Tester, an applicant must not:

(a) Have a Third Party Tester Certificate, a Third Party Examiner Certificate or equivalent authorization, issued by any jurisdiction, that is currently suspended or revoked;

(b) Have had a Third Party Tester Agreement, issued by any jurisdiction, involuntarily terminated. This section does not apply if the agreement was terminated more than five years from the date an application for a CDL Third Party Tester Certificate is submitted to DMV;

(c) Have had a Third Party Tester Certificate, a Third Party Examiner Certificate or equivalent authorization, issued by any jurisdiction, that was suspended, revoked or involuntarily canceled or otherwise involuntarily terminated for conduct that would result in permanent revocation in Oregon;

(d) Have a driver training school certificate or driver training instructor certificate or equivalent authority, issued by any jurisdiction, that is currently suspended or revoked; or

(e) Have a partner, owner or shareholder who owns 20% or more of the business or an officer, director, agent or manager who:

(A) Has a Third Party Tester Certificate, Third Party Examiner Certificate, Driver Training School Certificate, Driver Training Instructor Certificate or equivalent authorization, issued by any jurisdiction, that is currently suspended or revoked;

(B) Has had a Third Party Tester Certificate, Third Party Examiner Certificate, Driver Training School Certificate, Driver Training Instructor Certificate or equivalent authorization, issued by any jurisdiction, that has been suspended, revoked or involuntarily canceled or otherwise involuntarily terminated within the five years immediately preceding the date an application for a CDL Third Party Tester Certificate is submitted to DMV; or

(C) Has been convicted of a crime involving moral turpitude, including but not limited to, homicide, assault, kidnapping, a sexual offense, robbery, child pornography, fraud, forgery, perjury and theft or of a crime punishable as a felony involving the use of a motor vehicle, or a crime punishable as a felony involving possession, manufacture or distribution of a controlled substance, if DMV determines from the facts and intervening circumstance of the conviction that the person is not fit to perform the responsibilities of a CDL Third Party Tester and/or poses a risk to the safety of persons while performing those responsibilities.

(D) Has engaged in conduct that is substantially related to the person's fitness to hold a CDL Third Party Tester Certificate and which demonstrates unfitness and inability to perform the responsibilities of a CDL Third Party Tester.

(3) In addition to the requirements listed in sections (1) and (2) of this rule, the applicant, if a publicly-owned and operated educational facility, must have a campus located in Oregon.

(4) In addition to the requirements listed in sections (1) and (2) of this rule, an applicant, if a motor carrier, must not have an unsatisfactory safety rating from the Federal Motor Carrier Administration or the Oregon Department of Transportation, Motor Carrier Transportation Division.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & ef. 10-16-86; MV 4-1987, f. & ef. 5-18-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0630; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05

**735-060-0040**

**Inspection**

(1) To insure compliance with all relevant statutes, administrative rules and regulation, before issuing a CDL Third Party Tester Certificate, an authorized representative of DMV shall, during regular business hours, inspect the applicant's:

(a) Business office, facility or campus;

(b) CDL drive test route and testing procedures; and

(c) Vehicles used for testing purposes that are owned or leased by the applicant.

(2) DMV or the Federal Motor Carrier Safety Administration may conduct a random inspection of the business premises, records and equipment of a CDL Third Party Tester to review compliance with Oregon statutes, administrative rules and federal regulation requirements for CDL Third Party Testers and CDL Examiners. No notice will be given to the CDL Tester prior to the random inspection. The CDL Tester must consent to and fully cooperate with the random inspection.

(3) In addition to any other inspection, DMV shall annually conduct an on-site inspection of each CDL Tester to review compliance with Oregon statutes, administrative rules and federal regulations pertaining to the third party tester and examiner program.

(4) An onsite inspection shall include, but may not be limited to:

(a) CDL Third Party Tester records, including records of all persons for whom a CDL drive test was conducted by the CDL Third Party Tester and Examiner, regardless of whether the person passed or failed the test and class rosters if the tester is also a commercial truck or bus driver training school licensed by the Oregon Department of Education;

(b) The business office, facility or campus;

(c) Testing procedures;

(d) Testing equipment, including vehicle(s) owned or leased by the CDL Tester and used for certification drive testing;

(e) A review of the CDL Third Party Tester's qualifications as listed in OAR 735-060-0030;

(f) The testing procedures used by CDL Examiners of the CDL Third Party Tester;

(g) The CDL drive test route(s);

(h) Review of the CDL Third Party Tester's compliance with all terms of the CDL Third Party Tester Agreement; and

(i) Any other related areas the DMV representative may deem necessary at the time of the inspection.

(5) As part of an inspection, a DMV representative may accompany a CDL Third Party Examiner on a certification drive test or retest a sample of the drivers who were tested by the CDL Examiner to compare pass/fail results.

(6) A DMV representative may pose as a customer of a CDL Third Party Tester without identifying himself or herself as an employee of DMV in order to observe the manner in which testing is conducted.

(7) To pass an inspection the CDL Third Party Tester must be in compliance with the statutes, rules and regulations pertaining to the CDL Third Party Tester and Examiner program and the provisions of the CDL Third Party Tester Agreement.

(8) The DMV inspector shall prepare a written report and specify any deficiencies that must be corrected. The CDL Third Party Tester will be given a copy of the report. Deficiencies identified must be corrected by the CDL Third Party Tester within 30 days of receipt of the report.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0635; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert.

ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05

**735-060-0050**

**Application for and Issuance of CDL Third Party Tester Certificate**

(1) To apply for a CDL Third Party Tester Certificate, an applicant must:

(a) Meet all the requirements set forth in OAR 735-060-0030(1) and (2);

(b) Submit the following to DMV, CDL Third Party Testing, 1905 Lana Avenue NE, Salem, Oregon 97314:

(A) A completed application for a CDL Third Party Tester Certificate, DMV Form 6766;

(B) A signed original CDL Third Party Tester Agreement between the Department of Transportation and the applicant;

(C) A proposed drive test route(s) for each test location which meets the criteria set forth in OAR 735-060-0120;

(D) At least one application for an Examiner's Certificate; and

(E) Proof of comprehensive commercial liability insurance and proof of comprehensive auto liability insurance, if applicable, that meets the requirements specified in the CDL Third Party Tester Agreement. A public agency covered by the Oregon Tort Claims Act and which is self insured must submit a statement of self-insurance.

(2) To apply for a CDL Third Party Tester Certificate, the Oregon Department of Education must:

(a) Meet all the requirements set forth in OAR 735-060-0030;

(b) Submit the following to DMV, CDL Third Party Testing, 1905 Lana Avenue NE, Salem, OR 97314:

(A) A completed application for a CDL Third Party Tester Certificate, DMV Form 6766;

(B) A signed original CDL Third Party Tester Agreement between the Department of Transportation and the Department of Education; and

(C) Drive test route(s) for each test location meeting the criteria set forth in OAR 735-060-0120.

(3) When issued by DMV a CDL Third Party Tester Certificate is valid for two years, unless suspended, cancelled or revoked. The certificate shall expire two years from the end of the month it is issued or renewed. For example, a certificate issued or renewed on April 2, 2003 will expire on April 30, 2005.

(4) A CDL Third Party Tester Certificate may be renewed. The following apply to renewal of the certificate:

(a) DMV will notify the CDL Third Party Tester of the pending expiration of the CDL Third Party Tester Certificate at least 60 days prior to the expiration date of the certificate;

(b) The CDL Third Party Tester must meet the qualification requirements set forth in OAR 735-060-0030;

(c) The CDL Third Party Tester must submit a signed CDL Third Party Tester Agreement covering the period the certificate is valid.

(5) A CDL Third Party Certificate may be replaced if the original certificate is lost, mutilated or destroyed. To apply for a replacement certificate, a written request that describes the reason for the replacement must be submitted to DMV CDL Third Party Testing Program, 1905 Lana Avenue NE, Salem, Oregon 97314.

Stat. Auth.: ORS 184.616, 184.619 & 807.080

Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0640; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05

**735-060-0055**

**Responsibilities of a CDL Third Party Tester**

(1) A CDL Third Party Tester shall do all of the following:

(a) Notify DMV in writing within 10 calendar days of any change in:

(A) The address of the CDL Third Party Tester's business office, facility or campus;

(B) The location where the testing is conducted or a change in the drive test route(s);

(C) The status of a CDL Third Party Examiner, including an individual who is hired or who has discontinued employment;

(D) The name and address of the designated or registered agent, an owner, partner or shareholder owning 20% or more of the business or officer, director, agent or manager; or

(E) The testing services offered to the public or fees charged for those services.

(b) Notify DMV in writing within 10 calendar days if:

(A) The CDL Third Party Tester goes out of business;

(B) The CDL Third Party Tester no longer meets the qualification requirements set forth in OAR 735-060-0030; or

(C) A CDL Third Party Examiner employed by the CDL Third Party Tester no longer meets the qualification requirements set forth in OAR 735-060-0090 including notification that the CDL Examiner has discontinued employment with the CDL Tester.

(c) Ensure that all CDL Third Party Examiners employed by the CDL Third Party Tester remain in compliance with all statutes, administrative rules and regulations pertaining to the qualifications and responsibilities of CDL Third Party Examiners.

(d) Make any and all business records, vehicles and facilities related to the operation of the CDL Third Party Tester's testing program available for inspection by representatives of DMV and/or the Federal Motor Carrier Safety Administration with or without prior notice.

(e) Correct any deficiencies specified in an inspection report with 30 days of receipt of the report.

(f) Ensure that vehicles provided by the CDL Third Party Tester for testing purposes meet the safety equipment standards of the Oregon Vehicle Code and federal regulations, are maintained in good mechanical condition, and are equipped with the following emergency equipment:

(A) Fire extinguisher; and

(B) Three flares or three approved reflectors.

(g) Comply with all statutes, administrative rules and regulations related to the CDL Third Party Testing program and with all terms of the CDL Third Party Testing Agreement.

(h) Notify DMV within 24 hours of any:

(A) Notice of a civil legal action filed against the CDL Third Party Tester or a CDL Third Party Examiner employed by the tester which is related to the administration of a test;

(B) Criminal investigation, arrest or conviction for an offense described in OAR 735-060-0030(2)(e)(C), a crime involving moral turpitude or any fraudulent activity related to CDL testing; or

(C) A complaint concerning the CDL Third Party Tester or a CDL Examiner employed by the CDL Tester related to CDL testing.

(i) Maintain the eligibility requirements set forth in OAR 735-060-0030 as applicable.

(j) Maintain and submit records as required by OAR 735-060-0057.

(k) Ensure that each CDL Third Party Examiner employed maintain a Third Party Tester Log documenting all CDL certification drive tests conducted by the Third Party Examiner.

(l) Maintain a record, by form control number, showing the disposition of all CDL Certificates of Test Completion issued to the CDL Third Party Tester by DMV.

(2) A CDL Third Party Tester shall not:

(a) Falsify any records or fraudulently issue a CDL Certificate of Test Completion to any person who has not passed a CDL certification drive test;

(b) Permit anyone except a certified CDL third party examiner to conduct a CDL drive test or issue a CDL Certificate of Completion;

(c) Transfer its CDL Third Party Tester Certificate to any other person, employer, or publicly-owned and operated educational facility;

(d) Permit a CDL Third Party Examiner to issue a CDL Certificate of Test Completion to any person who:

(A) Was not tested in accordance with the requirements set forth in OAR 735-060-0120; or

(B) Failed the CDL certification drive test;

(e) Permit an Oregon Department of Education CDL Third Party Examiner to test a person who has not applied for an Oregon Department of Education School Bus Driver's Certificate or Permit;

(f) Knowingly assist a person in fraudulently obtaining driving privileges from DMV;

(g) Violate the Code of Ethics and Rules of Conduct set forth in OAR 735-060-0115;

(h) Knowingly allow a CDL Examiner to conduct a CDL certification drive test while under the influence of intoxicants; or

(i) Permit a CDL Third Party Examiner employed by a commercial driver training school to test a driver who has been trained by the CDL Examiner or trained by anyone employed by the school.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stat. Implemented: ORS 807.040, 807.070 & 807.100  
 Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0050(9) & (13); DMV 31-2005, f. & cert. ef. 12-14-05

**735-060-0057**

**Record Requirements**

(1) The CDL Third Party Tester shall ensure records are maintained at the CDL Tester's primary place of business or by each CDL Examiner at each testing location(s) for no less than two years from the date of the test as follows:

(a) A fully completed copy of the CDL test score sheet for each applicant tested, regardless of whether the individual passed or failed the test. To be fully completed the CDL test score sheet must contain the applicant's full name and driver license number, the drive test location and route identifier, the CDL Examiner's name as well as the test date and test results.

(b) A fully completed copy of the CDL Certificate of Test Completion that was issued to each applicant who passed the test. To be fully completed the CDL Certificate of Test completion must contain: the applicant's full name, date of birth, and driver license number; the CDL Examiner's name, certificate number, signature and date signed; the CDL Tester's name; the type of vehicle used for the test; the date of the test and whether the test vehicle had airbrakes, was a passenger carrying vehicle or a school bus.

(c) Copies of all CDL Certificates of Test Completion that have been voided by the examiner.

(d) Fully completed copies of all CDL Tester Logs for each CDL Examiner. To be fully completed:

(A) Each log must contain the month and year of tests included on the log, the CDL Tester name and city, the CDL Examiner and certificate number and the test route, location and number; and

(B) Each log entry must contain: the start and stop time of the test; the test date; the name and driver license number of the applicant tested; the class of vehicle used for testing and the vehicle's plate number(s), gross vehicle weight rating(s) and brake type; the test results, including the test score; and whether the applicant was a retest due to a previous failure.

(2) The CDL Third Party Tester shall maintain documentation to show the disposition, by form control number, of all CDL Certificates of Test Completion issued to the CDL Tester. This documentation shall be maintained for a minimum of two years after the date the certificate was issued or voided by the CDL Examiner or by DMV.

(3) All records subject to this rule shall be available for inspection by an authorized representative(s) of DMV or the Federal Motor Carrier Safety Administration, Monday through Friday between the hours of 8:30 a.m. to 4:30 p.m. Although DMV will normally arrange an appointment prior to an inspection, records must be available for inspection without an appointment or prior notice. Records may be retained in paper format or electronically but must be maintained in a manner allowing for timely and efficient retrieval and review. DMV may require that any record printed or completed in a language other than English be accompanied by a copy translated into English.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stat. Implemented: ORS 807.040, 807.070 & 807.100  
 Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0050(10), (11) & (12); DMV 31-2005, f. & cert. ef. 12-14-05

**735-060-0060**

**Third Party Tester and Examiner Sanctions**

(1) DMV shall impose sanctions when it determines a CDL Third Party Tester or CDL Third Party Examiner has violated provisions of the Motor Vehicle Code, administrative rules promulgated by DMV or federal regulations related to CDL third party testing.

(2) DMV shall impose a sanction determined by DMV to be appropriate for the particular violation. In determining an appropriate sanction, DMV may use the appropriate matrix set forth in either OAR 735-060-0065 or 735-060-0110 as a guideline and may consider the following criteria:

- (a) The severity of the violation or its impact on the public;
- (b) The number of similar or related violations;
- (c) Whether the violations were willful or intentional; and
- (d) The history of prior sanctions imposed by DMV.

(3) DMV shall determine the steps to take or sanctions to impose when it determines violations have occurred or are occurring. These may include one or more of the following:

(a) A written warning, including correction notices;

(b) Suspension of the CDL Third Party Tester's Certificate and the right to apply for a certificate for up to one year;

(c) Suspension of the CDL Third Party Examiner's Certificate and the right to apply for a certificate or renewal of a certificate for up to one year;

(d) Revocation of CDL Third Party Tester's Certificate and the right to apply for a certificate or renewal of a certificate for up to five years;

(e) Revocation of the CDL Third Party Examiner's certificate and the right to apply for a certificate or renewal of a certificate for up to five years;

(f) DMV will immediately suspend a CDL Third Party Tester or Third Party Examiner Certificate if DMV has reason to believe the Third Party Tester or Third Party Examiner participated in any fraudulent or criminal activity related to the issuance of a CDL Certificate of Test Completion or has violated any provision of the Code of Ethics and Rule of Conduct set forth in OAR 735-060-0115. The suspension shall remain in effect pending the outcome of a contested case hearing;

(g) DMV will immediately suspend a CDL Third Party Tester Certificate if the general business liability and/or auto liability insurance has lapsed or is cancelled, or DMV determines a CDL Third Party Tester's vehicle(s) used for testing is in an unsafe condition; and

(h) DMV will permanently revoke a CDL Third Party Tester or CDL Third Party Examiner Certificate if DMV determines the CDL Third Party Tester or CDL Third Party Examiner participated in fraudulent or criminal activity related to the issuance of a CDL Certificate of Test Completion, including, but not limited to violation of OAR 735-060-0115(1), (3) or (7). No principal, owner, shareholder, or manager of a CDL Third Party Tester whose certificate is permanently revoked shall be eligible for a CDL Third Party Tester or CDL Third Party Examiner Certificate.

(4) A CDL Third Party Tester or CDL Third Party Examiner whose certificate has been suspended or revoked is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(5) When DMV takes action to suspend or revoke a CDL Third Party Tester or CDL Third Party Examiner Certificate, DMV will send notice in writing that the suspension or revocation will begin either in five days (an immediate suspension) or 30 calendar days from the date on the notice. The notice will be served by first class mail sent to the most recent address on record with DMV.

(6) Except as provided for in section (7) of this rule, a request for a hearing must be submitted in writing to, and received by, DMV within 20 days of the date of the notice of violation. If a hearing request is received in a timely manner the suspension or revocation will not go into affect pending the outcome of the hearing, unless the certificate is immediately suspended.

(7) If the certificate is immediately suspended as set forth in subsections (3)(f) and (g) of this rule, the request for hearing shall be submitted in writing to, and received by, DMV within 90 days of the date of notice of suspension. The suspension shall remain in effect pending the outcome of the hearing.

(8) Except as provided in OAR 137-003-0003, when no request for a hearing is timely received, the CDL Third Party Tester or CDL Third Party Examiner has waived the right to a hearing, DMV's file shall constitute the record of the case and a default order shall be issued by DMV.

(9) If a CDL Third Party Tester or CDL Third Party Examiner Certificate has been revoked, the CDL Third Party Tester or CDL Third Party Examiner must reapply for an original certificate after the period of revocation and must meet all the requirements set forth in the division 60 rules. At the end of the suspension period of a CDL Third Party Tester or CDL Third Party Examiner Certificate, DMV will reinstate the certificate unless the certificate has expired or the CDL Tester or CDL Examiner does not meet the qualification requirements for the certificate. If the certificate has expired, the CDL Tester or CDL Examiner must reapply for an original certificate and must meet all the requirements set forth in the division 60 rules.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stats. Implemented: ORS 807.040, 807.070 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0650; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05

**735-060-0065**

**Matrix for Tester Sanctions**

DMV adopts the matrix of sanctions in Table 1 for CDL Third Party Tester violations. Table 1, Tester Sanctions, is hereby adopted and made a part of this rule. As used in this rule, an offense will be considered a second or subsequent offense if the CDL Third Party Tester was notified orally or in writing within the three previous years of the occurrence of the same or a substantially similar offense. If more than three years have passed between sanctions for the same or similar offense, DMV will sanction as a first offense.

[ED. NOTE: Tables referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stat. Implemented: ORS 807.040, 807.070 & 807.100  
 Hist.: DMV 16-2003, f. & cert. ef. 11-18-03

**735-060-0090**

**Eligibility Requirements for Third Party Examiner Certificate**

(1) No person shall certify the competency of an applicant for a commercial driver license to safely operate a commercial vehicle by conducting a commercial driver license certification drive test under the authority of ORS 807.080 or 807.072(3), unless he or she has a valid CDL Third Party Examiner Certificate issued by DMV and conducts the driving test in accordance with Oregon statutes and administrative rules.

(2) To be eligible for a CDL Third Party Examiner Certificate or to be allowed to renew or maintain a CDL Third Party Examiner Certificate a person must meet the following requirements:

- (a) Be at least 21 years of age;
- (b) Be an employee of a CDL Third Party Tester or an employee of an applicant for a CDL Third Party Tester Certificate or certified as a behind the wheel examiner for school bus drivers by the Oregon Department of Education;

(c) Is of good moral character and has not been convicted of a crime involving moral turpitude, including but not limited to, homicide, assault, kidnapping, a sexual offense, robbery, child pornography, fraud, forgery, perjury and theft or of a crime punishable as a felony involving the use of a motor vehicle, or a crime punishable as a felony involving possession, manufacture or distribution of a controlled substance if DMV determines from the facts and intervening circumstances of the conviction that the person is not fit to perform the responsibilities of a CDL Third Party Examiner and/or poses a risk to the safety of persons while performing those responsibilities.

(d) Except as provided in subsection (e) of this section, have and maintain valid Oregon commercial driving privileges in the classification for which the person will be conducting drive tests and with all required endorsements. To be valid, commercial driving privileges must not be suspended, revoked canceled or otherwise withdrawn.

(e) If the person does not have valid Oregon commercial driving privileges, he or she must have valid commercial driving privileges issued by another state in the classification for which the person will be conducting drive tests and with all required endorsements. The person must meet the medical standards established by DMV for the operation of commercial motor vehicles and be issued a medical certificate. An operator who has not held Oregon CDL driving privileges for the three year period, may be required to submit a certified driving record from any jurisdiction that issued CDL driving privileges during that period;

(f) Has successfully completed the CDL Third Party Examiner training course as required in OAR 735-060-0095; and

(g) Must provide documented evidence including a recommendation from a previous employer, satisfactory to DMV, of at least one of the following:

- (A) At least three years of commercial motor vehicle driving experience;
- (B) At least two years of experience as an instructor with a licensed commercial truck driving school;
- (C) At least two years of experience training commercial motor vehicle drivers for a private business or government agency; or
- (D) At least two years of experience providing testing of CDL applicants for a governmental licensing agency;

(3) A person is not eligible for a CDL Third Party Examiner Certificate, or shall not be allowed to renew or maintain a CDL Third Party Examiner Certificate if:

(a) The person is enrolled or participating in a DUI diversion program, or has restricted or suspended driving privileges under a driver improvement program, including an equivalent diversion or driver improvement program in another jurisdiction. This section shall apply if the person was enrolled or participating in a diversion program or his or her driving privileges were restricted or suspended under a driver improvement program anytime within the three years preceding the date an application for a CDL Third Party Examiner Certificate is submitted to DMV;

(b) The person has been convicted of any major traffic crime. This subsection does not apply if the conviction occurred more than five years preceding the date an application for a Third Party Examiner Certificate is submitted to DMV;

(c) The person has been issued a CDL Third Party Tester or CDL Third Party Examiner Certificate by DMV that is currently revoked or suspended;

(d) The person has been issued a CDL Third Party Tester or CDL Third Party Examiner Certificate by another jurisdiction, that is currently revoked or suspended, or that was revoked, involuntarily canceled or suspended within the five years preceding the date an application for a CDL Third Party Examiner Certificate is submitted to DMV; or

(e) The person has engaged in conduct that is substantially related to the person's fitness to hold a CDL Third Party Examiner Certificate and which demonstrates unfitness and inability to perform the responsibilities of a CDL Third Party Examiner.

(4) In addition to the eligibility requirements of sections (2) and (3) of this rule, to be eligible for a CDL Third Party Examiner Certificate to conduct drive tests for school bus drivers for the Oregon Department of Education, a person must:

(a) Be certified by the Oregon Department of Education as a behind-the-wheel examiner; and

(b) Meet the requirements set forth in OAR 581-053-0006.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stats. Implemented: ORS 807.040, 807.070 & 807.100  
 Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & ef. 10-16-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0670; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03

**735-060-0095**

**Third Party Examiner Training**

(1) An applicant for a third party examiner certificate must successfully complete the third party examiner training course as described in section (2) of this rule.

(2) The CDL third party examiner training course shall consist of instruction in all of the following:

- (a) How to conduct the drive tests;
- (b) How to score the drive test and minimum passing scores;
- (c) How to select and document a drive test route;
- (d) The skills to be tested;
- (e) Where and how the skills will be tested;
- (f) How the performance of the skills will be scored;
- (g) Grounds for immediate failure of skills tests;
- (h) A review of the responsibilities of the third party examiner, including but not limited to maintaining records and proper completion of forms; and

(i) Information contained in the Oregon CDL Examiner's Manual and the Oregon Commercial Motor Vehicle Operator's Manual available from DMV.

(3) Upon successful completion of the third party examiner training the training course instructor shall submit a copy of the class roster and indicate on the roster those individuals who passed the training course.

(4) The CDL third party examiner training course may only be provided by a person or entity that has an agreement with DMV to provide training.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stats. Implemented: ORS 807.040, 807.070 & 807.100  
 Hist.: MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03

**735-060-0100**

**Application for CDL Third Party Examiner Certificate**

(1) To apply for a CDL Third Party Examiner Certificate an applicant must:

(a) Meet all the eligibility requirements set forth in OAR 735-060-0090; and

(b) Submit a completed Application for a Third Party Examiner Certificate, Form 6767, signed by a Certified CDL Third Party Tester or applicant for a CDL Third Party Tester Certificate, to: DMV, CDL Third Party Testing Program, 1905 Lana Avenue NE, Salem, Oregon 97314.

(2) Unless suspended or revoked, a CDL Third Party Examiner Certificate shall remain valid as long as the CDL Examiner is employed by a certified CDL Third Party Tester or is approved by the Department of Education. The certificate must immediately be returned to DMV by the CDL Third Party Examiner when the CDL Examiner is no longer employed by a CDL Third Party Tester or approved by the Department of Education.

(3) The Third Party Examiner Certificate issued to a CDL Examiner testing under the Oregon Department of Education will be withdrawn upon request of the Director, Pupil Transportation Section of the Oregon Department of Education.

(4) The CDL Third Party Examiner Certificate will be withdrawn by DMV upon request of the CDL Third Party Tester by whom the examiner is employed.

(5) DMV shall issue a replacement CDL Third Party Examiner Certificate if the CDL Third Party Examiner certifies that the original certificate has been lost, mutilated or destroyed. To apply for a replacement CDL Third Party Examiner Certificate, the person must submit a written request indicating the reason for the replacement to: DMV, CDL Third Party Testing Program, 1905 Lana Avenue NE, Salem, OR 97314.

(6) DMV shall issue an additional CDL Third Party Examiner Certificate(s) when a CDL Third Party Examiner is employed by more than one certified CDL Third Party Tester. DMV shall issue a corrected CDL Third Party Examiner Certificate when a CDL Examiner changes employers. To obtain an additional or corrected certificate, the CDL Examiner must:

(a) Meet all the requirements set forth in OAR 735-060-0090; and

(b) Submit a completed Application for a CDL Third Party Examiner Certificate, Form 6767, signed by the employing CDL Third Party Tester, to DMV, CDL Third Party Testing Program, 1905 Lana Avenue NE, Salem, OR 97314.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stats. Implemented: ORS 807.040, 807.070 & 807.100  
 Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 18-1986, f. & cert. ef. 10-16-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0680; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03

**735-060-0105**

**Responsibilities of a CDL Third Party Examiner**

(1) A CDL Third Party Examiner shall:

(a) Remain in compliance with the eligibility requirements set for in OAR 735-060-0090;

(b) Properly complete all forms required by DMV;

(c) Conduct all certification drive tests as set forth in OAR 735-060-0120;

(d) Conduct drive tests and issue CDL Certificates of Test Completion only for the class of vehicles authorized on the Third Party Examiner Certificate by DMV;

(e) Issue CDL Certificates of Test Completion only for the class of commercial license for which the person is tested;

(f) Maintain a CDL Third Party Tester Log of all CDL tests conducted. A copy of the log shall be kept at the CDL third party tester's business office or facility and the original shall be submitted by the CDL Examiner to DMV by the 10th day of the following month;

(g) Comply with the following requirements when issuing a CDL Certificate of Test Completion:

(A) Place the CDL Certificate of Test Completion in an envelope and seal the envelope. The outside of the envelope must have the signature of the CDL Tester or CDL Examiner across the seal of the envelope; and

(B) Verbally instruct the tested driver that the envelope containing the certificate must be submitted to DMV within two years of the date it is issued and will not be accepted if the envelope is opened prior to its delivery to DMV.

(h) Successfully complete any additional training when required by DMV;

(i) Comply with all statutes, administrative rules, and federal regulations pertaining to the qualifications and responsibilities of a CDL Third Party Examiner;

(j) Except as provided in section (2) of this rule, conduct a minimum of 12 certification drive tests during each 12-month period after the initial issuance date of the CDL Third Party Examiner Certificate;

(k) Be present during any DMV or Federal Motor Carrier Administration inspection of CDL Third Party Tester records if requested by DMV;

(l) Only conduct certification drive tests for the CDL Third Party Tester on the CDL Examiner's Third Party Examiner Certificate;

(m) Notify the CDL Third Party Tester within 24 hours of any notice of a civil legal action, a criminal investigation or arrest, or any complaint concerning administration of a certification drive test or issuance of a certificate of test completion by the CDL Examiner;

(n) Unless prior written approval is obtained from DMV, only conduct a certification drive test that has been scheduled at least 48 hours prior to the administration of the test; and

(o) Submit a list of all certification drive tests scheduled, by facsimile or e-mail, to DMV at least 48 hours prior to administration of the test. The schedule must include the applicant's name, Oregon driver license number, the date and time of the test, the class and type of vehicle to be used for the test and identification of the drive test route. DMV must be notified of changes to the test location, test time, or additions that occur after submission of the schedule. DMV must also be notified of any cancellations that occur more than two hours before a scheduled test. A schedule need not be submitted when:

(A) The Examiner conducts tests only for the Oregon Department of Education; or

(B) The Examiner conducts tests only for employees of the CDL Third Party Tester.

(2) A CDL Third Party Examiner employed by the Oregon Department of Education is not required to conduct a minimum number of certification drive tests in a 12-month period.

(3) A CDL Third Party Examiner shall not:

(a) Issue a CDL Certificate of Test Completion to any individual:

(A) If the CDL Third Party Examiner did not administer a certification drive test to the individual;

(B) If the CDL Third Party Examiner did not administer a certification drive test meeting the requirements of OAR 735-060-0120 to the individual;

(C) If the individual did not pass the certification drive test; or

(D) Who is known to not have valid driving privileges. Acceptable evidence of valid driving privileges are a valid driver license and CDL instruction permit.

(b) Falsify any records;

(c) Conduct drive tests without a valid CDL Third Party Examiner Certificate issued by DMV;

(d) Transfer his or her CDL Third Party Examiner Certificate to any other person;

(e) Knowingly assist a person in fraudulently obtaining driving privileges from DMV;

(f) Violate the Code of Ethics and Rules of Conduct set forth in OAR 735-060-0115;

(g) Allow any person to take a certification drive test if the CDL Examiner has reason to believe the person is under the influence of intoxicants;

(h) Knowingly test a relative or friend of the CDL Tester or a relative or friend of any employee of the CDL Tester; or

(i) Except as provided in section (4) of this rule, conduct a drive test with an individual who does not possess either:

(A) A valid Oregon CDL instruction permit along with a valid Oregon driver license that was issued at least 21 days prior to the date of the test; or

(B) A valid Oregon CDL.

(4) A CDL Third Party Examiner that conducts tests only for the Oregon Department of Education or a CDL Third Party Examiner that conducts tests only for employees of the CDL Third Party Tester is

exempt from the requirements of section (3)(i) of this rule except that he or she must not conduct a drive test with an individual who does not possess a valid CDL instruction permit or a valid CDL.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stats. Implemented: ORS 807.040, 807.070 & 807.100  
 Hist.: DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0100(8), (9) & (10); DMV 31-2005, f. & cert. ef. 12-14-05

**735-060-0110**

**Matrix Third Party Examiner Sanctions**

DMV adopts the matrix of sanctions in Table 2 for CDL third party examiner violations. Table 2, Examiner Sanctions, is hereby adopted and made a part of this rule. As used in this rule, an offense will be considered a second or subsequent offense if the CDL Third Party Examiner was notified in writing within the three previous years of the occurrence of the same or a substantially similar offense. If more than three years have passed between sanctions for the same or similar offense, DMV will sanction as a first offense.

[ED. NOTE: Tables referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080  
 Stats. Implemented: ORS 807.040, 807.070 & 807.100  
 Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0690; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 3-2006, f. 3-17-06, cert. ef. 4-15-06

**735-060-0115**

**Code of Ethics and Rules of Conduct**

A CDL Third Party Tester or CDL Third Party Examiner shall adhere to the highest standards of professional conduct and shall not engage in or knowingly allow any owner, officer, agent, director, manager or employee to engage in any of the following:

- (1) Assist or knowingly allow an applicant for CDL driving privileges to fraudulently:
  - (a) Receive a passing score for a drive test when the applicant either failed the test or did not take the test; or
  - (b) Obtain driving privileges for which the applicant is ineligible or has not qualified.
- (2) Discrimination against any applicant for CDL driving privileges on the basis of race, religion, national origin, disability, age, sex or sexual orientation.
- (3) Accepting or requiring anything of value from an applicant when it is known or it is obvious that the offer is for the purpose of influencing the CDL Third Party Tester's or CDL Third Party Examiner's scoring of a test.
- (4) Having sexual relations with or requesting sexual relations from an applicant for driving privileges. For purposes of this section, "sexual relations" means:
  - (a) Sexual intercourse; or
  - (b) Any touching of the sexual or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either party.
- (5) Using physical force or a threat of physical force against an applicant, unless such force or threat is necessary to avoid immediate danger to the safety of the applicant, the CDL Third Party Examiner, employees of the CDL Third Party Tester or the general public.
- (6) Possessing any unlawful controlled substance or intoxicating beverage or being under the influence of any intoxicating beverages, drugs or controlled substances while conducting a certification drive test.
- (7) Falsifying of any document or knowingly making a misrepresentation on the CDL Third Party Examiner or CDL Tester applications or in any document that relates to any testing activity.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
 Stats. Implemented: ORS 807.080  
 Hist.: DMV 16-2003, f. & cert. ef. 11-18-03

**735-060-0120**

**The Certification Drive Test**

(1) DMV adopts the following Federal Motor Carrier Safety Administration regulations effective July 1, 2005 and prescribes that these regulations establish the standards that must be followed in the testing for a commercial driver license:

- (a) 49 CFR § 383.75, Third Party Testing; and
- (b) 49 CFR § 383.131 through § 383.135.

(2) The certification drive test conducted under the CDL Third Party Tester program shall be by a CDL Third Party Examiner. The CDL Third Party Examiner shall:

- (a) Be certified by DMV; and
- (b) Not conduct more than eight CDL Class A, B, or C pre-trip inspection tests and on-road drive tests within a single calendar day;
- (c) Begin and end all pre-trip inspection and on-road drive tests during daylight hours;
- (d) Conduct all pre-trip inspection and on-road drive tests within the State of Oregon;
- (e) Conduct both the pre-trip inspection and on-road drive tests in the same type and class of commercial vehicle. Both the pre-trip inspection and on-road drive tests must be completed on the same calendar day unless the person tested has previously failed the on-road drive test;
- (f) Not conduct another on-road drive test until after the minimum waiting period set forth in OAR 735-062-0070(5) has passed, if the person fails a pre-trip inspection test or an on-road drive test;
- (g) Conduct the same pre-trip inspection tests and on-road drive tests that are administered by DMV examiners and use test scoring sheets approved by DMV;
- (h) Not permit any person who is not a certified examiner, an official with DMV, an official with the Federal Motor Carrier Safety Administration or the person being tested to observe or participate in CDL pre-trip inspection tests or the on-road drive tests without the prior approval of DMV; and
- (i) Conduct both the pre-trip inspection and on-road drive tests in English as required by OAR 735-062-0075(2)(d) and (e).

(3) The CDL Third Party Examiner shall do the following before administering a drive test:

- (a) Ensure the person being tested has a valid CDL instruction permit or CDL and, if the driver does not have a CDL, an Oregon driver license that was issued at least 21 days prior to the test as required by OAR 735-060-0105(3)(i). A drive test shall not be administered if the CDL Examiner has reason to believe that the driver's driving privileges are suspended, revoked, canceled or have otherwise been withdrawn; and
- (b) View a Medical Certificate or a Medical Waiver as described in OAR 735-074-0280 issued to the person being tested that meets the requirements of OAR 735-074-0260.

(4) The certification drive test shall be conducted in accordance with the federal regulations adopted by section (1) of this rule and the methods and procedures set forth in the Oregon Department of Transportation CDL Examiner's Manual, incorporated herein. The certification drive test shall include, but is not limited to, the following:

- (a) A pre-trip inspection test. This test is designed to evaluate the tested driver's ability to identify and operate the equipment on the vehicle in which he or she is being tested and to detect and identify unsafe vehicle equipment items. The specific items that must be inspected during a pre-trip inspection are those listed in the Oregon Department of Transportation CDL Examiner's Manual; and
- (b) An on-road drive test. This test is designed to evaluate the tested driver's competency to safely operate a commercial motor vehicle or combination of commercial vehicles under actual driving conditions. The tested driver 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) It shall be conducted on a drive test route approved by DMV and meeting the specifications set forth in section (5) of this rule;
- (B) The commercial motor vehicle or combination of commercial motor vehicles must be of the class for which the tested driver 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. The CDL Examiner is not required to verify the safe condition of any commercial motor vehicle provided by the tested driver for an on-road test, but shall not conduct the test if it is apparent the vehicle cannot be operated safely and legally; and

(C) The commercial motor vehicle or combination of vehicles need not be loaded, but the test shall be conducted and scored as if the vehicle or combination of vehicles is loaded.

(5) The on-road drive test route shall:

- (a) Be designed to enable the CDL Third Party Examiner to evaluate the ability of the driver to perform the maneuvers listed in the

Oregon Department of Transportation CDL Examiner's Manual, incorporated by reference herein; and

(b) Meet the specifications for an on-road drive test for commercial driver licensing set forth in the Oregon Department of Transportation CDL Examiner's Manual, incorporated by reference herein.

(6) The Oregon Department of Education may establish additional requirement for the pre-trip inspection and on-road drive test for applicants for a school bus driver certificate, but may not modify or omit any of the testing requirements set forth in these rules, including those in the Oregon Department of Transportation CDL Examiner Manual, incorporated by reference herein, without the prior approval of DMV.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.080  
Stats. Implemented: ORS 807.040, 807.070 & 807.100  
Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0710; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 3-2006, f. 3-17-06, cert. ef. 4-15-06

**735-060-0130**

**The CDL Certificate(s) of Test Completion**

(1) DMV will accept as the actual demonstration of an applicant's ability to drive a Class A, B, or C commercial motor vehicle under ORS 807.070(3)(b) a CDL Certificate(s) of Test Completion issued by a DMV certified CDL Third Party Examiner.

(2) A CDL Certificate(s) of Test Completion, Form 6771, shall be accepted only when it is submitted by an applicant who:

(a) Has passed a Commercial A, B, or C or endorsement drive test meeting the standards set forth in OAR 735-060-0120;

(b) Has valid driving privileges and has passed the necessary CDL knowledge tests and vision screening. A hardship or probationary permit does not constitute valid driving privileges; and

(c) Is applying for a Class A, B, or C commercial driver license or endorsement related to a commercial driver license.

(3) The CDL Certificate(s) of Test Completion shall be:

(a) On DMV Form 6771 CDL Certificate(s) of Test Completion;

(b) Completed in its entirety by a CDL Third Party Examiner with a valid Examiner Certificate issued by DMV; and

(c) Submitted to DMV within two years of the date of the certification drive test in an unopened envelope sealed by the CDL Third Party Examiner.

(4) DMV will not accept a CDL Certificate(s) of Test Completion, Form 6771, when:

(a) The applicant for a CDL failed a drive test(s) for CDL of the same class or a lower class and did not wait the required waiting period under OAR 735-062-0070 before taking a certification drive test from a CDL Third Party Examiner.

(b) The applicant submits a CDL Certificate(s) of Test Completion in an envelope that has been opened prior to its being submitted to DMV;

(c) The applicant submits a CDL Certificate(s) of Test Completion that includes any alterations;

(d) The applicant submits a CDL Certificate(s) of Test Completion that is more than 2 years after the date of the drive test; or

(e) The applicant was not tested by a CDL Third Party Examiner who is certified by DMV.

Stat. Auth.: ORS 184.616, 184.619 & 807.080  
Stats. Implemented: ORS 807.040, 807.070 & 807.100  
Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0720; MV 6-1990, f. & cert. ef. 4-2-90; DMV 1-1998, f. & cert. ef. 1-26-98; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 31-2005, f. & cert. ef. 12-14-05

**DIVISION 62**

**DRIVER LICENSING**

**735-062-0000**

**Driver Permits or Driver Licenses**

(1) Before the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will issue a driver permit or driver license, the person applying for the driver permit or driver license must:

(a) Satisfy all requirements set forth in ORS 807.040 and 807.060(2)(a) if under the age of 18. For purposes of ORS 807.060 and this subsection:

(A) Mother means the biological or adoptive mother of the applicant;

(B) Father means the biological or adoptive father of the applicant; 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) Present to DMV documentary proof of the person's age and identity as described in OAR 735-062-0020;

(d) Present to DMV documentary proof of the person's residence address as described in OAR 735-062-0030;

(e) Present to DMV proof, as described in OAR 735-016-0070, that the person is domiciled in or a resident of Oregon;

(f) Surrender to DMV all driver permits and driver licenses in the person's possession that have been issued by:

(A) Another state;

(B) A Canadian province or territory; or

(C) A U.S. territory.

(g) In addition to all requirements in subsections (a) through (f) of this section, a person who holds a commercial driver license from another jurisdiction must satisfy all requirements set forth in ORS 807.045 and OAR 735-062-0200.

(2) 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 driver license or driver permit if on an application for driving privileges or a replacement license or permit a person:

(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?" and the person is unable to pass a DMV vision screening;

(b) Answers yes to the question "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?";

(c) Answers yes to the question "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?";

(3) A person who is denied issuance or renewal of driving privileges or replacement of a driver license or driver permit under section (2) of this rule will be allowed to establish or reestablish eligibility by passing DMV examinations under ORS 807.070, by getting a certificate of eligibility from the State Health 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.

(4) Upon receipt of an application for a driver license or driver permit, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS) or both to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. For issuance of a commercial driver license (CDL), DMV will also make an inquiry to CDLIS to determine if the applicant has been issued a CDL in another jurisdiction.

(5) 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 the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS) or both indicates the applicant's driving privilege is not fully valid.

(6) DMV will not issue driving privileges to a person until his or her 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 driver license to a person whose CDL driving privileges are not valid as long as the person's regular Class C or equivalent driving privileges are valid.

(7) DMV will not issue a driver license or permit to a person with a current, valid Oregon identification card (ID card). To become eli-



gible, the person must surrender the ID card before DMV may issue the Oregon driver license or permit. If the person's ID card 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.

(8) A driver license of an applicant 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 license or permit and mail it to the address provided by the applicant at the time of the application.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.050, 807.060, 807.120, 809.310

Stats. Implemented: ORS 807.040, 807.060 & 807.066

Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0000; MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1992, f. & cert. ef. 10-16-92; MV 16-1992, f. & cert. ef. 12-16-92; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 3-2003, f. & cert. ef. 4-21-03; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 27-2005, f. 12-14-05 cert. ef. 1-1-06; DMV 5-2007, f. 5-24-07, cert. ef. 8-1-07

### 735-062-0003

#### Military Exemption from Requirement to Have an Oregon License or Permit

ORS 807.020 exempts certain military drivers from the requirement to have an Oregon driver license or permit when the driver operates an official motor vehicle in the course of the person's duties in the Armed Forces and has an out-of-state or military license or permit. As used in ORS 807.020(2), an "official motor vehicle" includes any motor vehicle operated for military purposes.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 49 CFR § 383.3

Stats. Implemented: ORS 807.020

Hist.: DMV 20-2005, f. & cert. ef. 9-19-05

### 735-062-0005

#### Social Security Number on Application for License or Permit

(1) The Driver and Motor Vehicle Services Division of the Oregon Department of Transportation (DMV) will not issue or renew a driver license or permit unless an applicant provides his or her Social Security Number on the application or renewal form. The applicant is not required to provide his or her Social Security Number on the application for renewal, if the applicant's Social Security Number has previously been provided to DMV and is in the applicant's driver record.

(2) If a person has not been issued a Social Security Number by the United States Social Security Administration, DMV will accept a written statement from the individual to fulfill the requirements of section (1) of this rule. The applicant may submit a Statement of No Social Security Number (DMV Form 735-7255) but any written statement submitted must:

- (a) Be signed by the applicant;
- (b) Attest to the fact that no social security number has been issued to the applicant by the U.S. Social Security Administration; and
- (c) Describe the penalties for knowingly supplying false information under this section.

Stat. Auth.: ORS 184.616, 184.619 & 807.050

Stats. Implemented.: ORS 802.200, 807.050 & Ch. 610 OL 2003

Hist.: MV 6-1990, f. & cert. ef. 4-2-90; DMV 11-1995, f. & cert. ef. 11-15-95; DMV 19-2003, f. 12-15-03 cert. ef. 1-1-04

### 735-062-0010

#### Identification Cards

(1) Pursuant to ORS 807.400, the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will issue an identification card to any person who does not have a valid driver license.

(2) Before DMV will issue an identification card, the person applying for the 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) Present to DMV documentary proof of the person's age and identity as described in OAR 735-062-0020; and
- (c) Present to DMV documentary proof of the person's residence address as described 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 an applicant 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) The issuance of an identification card does not constitute proof of legal presence in the United States.

(10) 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.

Stat. Auth.: ORS 184.616, 184.619, 807.040, 807.050 & 807.400

Stats. Implemented: ORS 807.400

Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0003; MV 19-1990, f. 12-17-90, cert. ef. 1-1-91; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 24-2001, f. 12-14-01, cert. ef. 1-1-02; DMV 5-2007, f. 5-24-07, cert. ef. 8-1-07

### 735-062-0020

#### Proof of Age and Identity Requirements

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will require all applicants for driver permits, driver licenses, and identification cards to present to DMV documentary proof of the applicant's age and identity prior to the issuance of such driver permit, driver license, or identification card.

(2) Applicants for original driver permits, driver licenses, and identification cards must present:

(a) Two of the primary proofs of age and identity listed in section (10) of this rule; or

(b) One of the primary proofs of age and identity listed in section (10) of this rule that contains a date of birth and at least two of the secondary proofs of age and identity listed in section (11) of this rule.

(3) Applicants for renewal of driver permits, driver licenses and identification cards must present:

(a) Two of the primary proofs of age and identity listed in section (10) of this rule;

(b) One of the primary proofs of age and identity listed in section (10) of this rule that contains a date of birth and at least two of the secondary proofs of age and identity listed in section (11) of this rule;

(c) The renewal reminder notice mailed by DMV as required by ORS 807.140 and their current driver permit, driver license or identification card; or

(d) Two of the supplemental proofs of age and identity listed in section (12) of this rule, if:

(A) The applicant can correctly answer one or more questions about the applicant's motor vehicle record; and

(B) DMV verifies the applicant's identity through the duplicate photograph retained by DMV under ORS 807.115.

(4) Applicants for replacement driver permits, driver licenses and identification cards must comply with ORS 807.162 and also present:

(a) Two of the primary proofs of age and identity listed in section (10) of this rule;

(b) One of the primary proofs of age and identity listed in section (10) of this rule that contains a date of birth and at least two of the secondary proofs of age and identity listed in section (11) of this rule; or

(c) Two of the supplemental proofs of age and identity listed in section (12) of this rule if:

(A) The applicant can correctly answer one or more questions about the applicant's driver or motor vehicle record; and

(B) DMV verifies the applicant's identity through the duplicate photograph retained by DMV under ORS 807.115.

(5) Documents must be original or certified copies.

(6) Foreign birth certificates, passports and driver licenses will not be accepted as primary proof of age and identity unless they are either in English or contain an English translation within the same document. No separate translation document(s) will be accepted.

(7) Documents must be of different types and no two documents can be issued by the same government agency, department or consulate. For example, a U.S. birth certificate issued by a state agency and a social security card issued by the Social Security Administration are acceptable. A passport and a consulate card issued by the same consulate will not be accepted.

**EXCEPTION:** The Oregon digital photo on file and an Oregon driver permit, driver license or identification card will serve as two separate primary documents. For example, a person who has a valid Oregon driver permit and applies for an Oregon driver license could present the valid driver permit and the photo on file as sufficient proof of age and identity.

(8) Except as otherwise provided in this rule, DMV will accept the document up to one year after the expiration date shown on the document.

(9) For an original driver license, driver permit or identification card, if the applicant's true name has changed, at least one of the required proofs of age and identity must show the person's current true name. If a transaction includes a name change required under ORS 807.560 or 807.400, one of the required proofs of age and identity must show the applicant's name as shown in the applicant's DMV driving record, and one of the required proofs of age and identity must show the person's new true name.

(10) Primary proofs of age and identity include:

(a) A U.S., Canadian or U.S. Territorial government issued birth certificate. For purposes of this subsection, DMV will not accept a hospital issued birth certificate, hospital card, birth registration or baptismal certificate.

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

(c) A Certification of Birth (DS-1350 or FS-545).

(d) U.S. Military documents including:

(A) Military or Armed Forces ID card;

(B) Military Common Access Card;

(C) U.S. Uniform Services ID and Privileges card (DD1173 and DD1173-1); and

(D) Request for Verification of Birth (DD372).

(e) Passport, not expired more than five years from the date of expiration.

(f) U.S. immigration or naturalization documents including:

(A) U.S. Citizen ID card (I-179 and I-197);

(B) Resident Alien card or Permanent Resident card (I-551);

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

(D) Employment Authorization Document (I-688A, I-688B and I-766);

(E) Certificate of Citizenship (N560 and N561); or

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

(g) Out-of-state, District of Columbia, U.S. Territorial government or Canadian driver license, instruction permit or identification card, that contains the applicant's photograph, not expired more than one year from the date of expiration unless hole-punched or marked as "Not Valid as ID".

(h) Oregon driver license, instruction permit, or identification card that has the applicant's photograph, not expired more than five years from the date of expiration.

(i) The applicant's duplicate photograph retained by DMV under ORS 807.115.

(j) Non-immigrant visa issued by the U.S. Department of State.

(k) Temporary immigrant visa (I-551) issued by the U.S. Department of State

(L) U.S. Department of State driver license or Non-driver ID card.

(m) An Oregon Concealed Weapon Permit/Concealed Handgun License.

(n) A Confederated Tribes of Oregon Tribal ID card if:

(A) DMV determines the procedures used in issuing the card are reasonably equivalent to DMV standards for verification of a person's age and identity; and

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

(o) Social Security card.

(p) A Consulate ID card if:

(A) DMV determines the procedures used in issuing the card are reasonably equivalent to DMV standards for verification of a person's age and identity; and

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

(q) A letter verifying identity provided by an Oregon County Community Corrections agency if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains sufficient security features to alleviate alteration or counterfeiting of the letter.

(r) A letter verifying identity provided by the U.S. Pretrial Services if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains sufficient security features to alleviate alteration or counterfeiting of the letter.

(s) A letter verifying identity provided by the Oregon Youth Authority Agency if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains sufficient security features to alleviate alteration or counterfeiting of the letter.

(t) A letter verifying identity provided by a U.S. District Court Probation Office if:

(A) DMV determines the procedures used in issuing the letter are reasonably equivalent to DMV standards for verification of a person's age and identity; and

(B) The letter contains sufficient security features to alleviate alteration or counterfeiting of the letter.

(u) Verified Oregon Department of Correction Release Identification card.

(v) Any other document DMV determines is acceptable.

(11) Secondary proofs of age and identity include:

(a) U.S. military discharge papers.

(b) An Oregon student body identification card, not more than one year old.

(c) An Oregon Job Corps identification card, not more than one year old.

(d) A W-2 or 1099 tax form for the current tax year.

(e) Medicare card.

(f) A court document issued by a court in the United States that shows the applicant is a party to the judicial proceeding and which contains court signatures and seals. Acceptable documents are:

(A) Gender and/or name change;

(B) Adoption, guardianship, custody or child support; and

(C) Judgment of dissolution or annulment of marriage.

(g) U.S. Government issued marriage license or Certificate or Record of Marriage issued by Oregon Vital Records.

(h) A Permit to Reenter the U.S. (I-327).

(i) Border Crossing cards (DSP-150, I-185, I-186 and I-586).

(j) A Refugee Travel Document (I-571).

(k) A birth certificate, driver license, military ID card, passport or voter card issued by a foreign government. A DMV employee may accept a foreign document that does not include English if the employee is able to understand the information in the document that relates to the person's identity and is satisfied the document was validly issued.

(L) Social Security Card transmittal document (stub).

(m) A benefits letter issued by the Social Security Administration, effective for the current, prior or upcoming year.

(n) Veterans' Universal Access Identification Card.

(o) Any other document DMV determines is acceptable.

(12) Supplemental proofs of age and identity include:

(a) Any document on the secondary document list in section (11) of this rule.

(b) Vehicle title or registration document.

(c) Bound checkbook.

(d) Bank or credit card.

(e) A court document issued by a United States Bankruptcy court that shows the applicant is a party to a bankruptcy proceeding.

- (f) Medical benefits card.
  - (g) Law enforcement identification card.
  - (h) Expired out-of-state driver license, instruction permit, or identification card, not expired more than five years from the date of expiration and not hole-punched or marked as "Not Valid As ID".
  - (i) Laminated Social Security Card.
  - (j) A letter issued by the Oregon Health Plan, if dated within the last year.
  - (k) Merchant Marine identification card.
  - (L) Checking or savings account statement, if dated within the last year.
  - (m) Birth registration card or credit card style birth certificate.
  - (n) Commercial Driver License medical card.
  - (o) Certified copy of school transcript.
  - (p) Oregon liquor control service or food handler permit.
  - (q) Pilot's license.
  - (r) U.S. Tribal identification card.
  - (s) Oregon voter registration card.
  - (t) Any other document DMV determines is acceptable.
- (13) DMV will not accept a document as proof of identity or age if DMV has reason to believe the document is not valid. DMV may request an applicant for a driver permit, driver license, or identification card to present additional documentary proof of age or identity if the documents presented do not establish the applicant's age or identity to the satisfaction of DMV.

Stat. Auth.: ORS 184.616, 184.619, 807.050, 807.150 & 807.400  
 Stats. Implemented: ORS 807.050, 807.062, 807.150, 807.160, 807.220, 807.230 & 807.280  
 Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; March 1988, Renumbered from 735-031-0016; MV 6-1990, f. & cert. ef. 4-2-90; DMV 12-1997, f. & cert. ef. 11-17-97; DMV 7-2001, f. & cert. ef. 3-7-01; DMV 34-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 5-2004, f. & cert. ef. 3-25-04; DMV 21-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; DMV 8-2005, f. & cert. ef. 2-16-05; DMV 9-2006, f. & cert. ef. 8-25-06

**735-062-0030  
 Proof of Residence Address**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) requires all applicants for an original driver permit, driver license, or identification card to present to DMV at least one document showing the applicant's name and current residence address. Current residence address is the address where the applicant actually lives, and DMV will include this address on the permit, license, or identification card. Acceptable documents include any of the items listed in section (3) of this rule.

(2) DMV requires all applicants who apply for a renewal or replacement driver permit, driver license, or identification card at a DMV field office to present to DMV at least one document showing the applicant's current residence address if the applicant's address has changed since the last time the driver permit, driver license or identification card was issued or renewed. Acceptable documents include any of the items listed in section (3) of this rule.

(3) Proof of residence address includes any of the following documents that show the applicant's current residence address:

- (a) Any one of the proofs of identity listed in OAR 735-062-0020(10) or (11).
- (b) Mortgage documents.
- (c) A statement from the parent, step-parent or guardian of an applicant attesting to the applicant's residence address. The parent, step-parent or guardian must reside at the same address as the applicant and sign a statement attesting to the applicant's residence address. In addition, the parent, step-parent or guardian must present one acceptable proof of address document as set forth in this rule that shows the current residence address of the applicant.
- (d) A statement of the applicant's spouse. The spouse must reside at the same residence as the applicant and sign a statement attesting to the applicant's residence address. In addition, the spouse must present one other acceptable proof of address document as set forth in this rule that shows the current residence address of the applicant.
- (e) Utility hook-up order.
- (f) Payment booklet.
- (g) Mail that is dated within 60 days of the application for the license, permit or identification card. DMV will accept mail from the following sources:
  - (A) Credit card companies;
  - (B) U.S. Treasury;

- (C) Social Security Administration;
- (D) State or Federal Revenue Department;
- (E) Government agencies;
- (F) Utility companies;
- (G) Financial institutions;
- (H) Insurance companies; and
- (I) Originators of out-of-state clearance letter.
- (h) Oregon vehicle title or registration documents.
- (i) Oregon manufactured structure ownership documents.
- (j) Oregon voter registration card.
- (k) Selective Service card.
- (L) Medical 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) Letter from a caseworker at a homeless shelter verifying that the applicant resides at the shelter address.

(4) 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.

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

(6) An applicant who travels continuously may use a descriptive address of "continuous traveler." The applicant must prove that he or she is a resident or domiciled in Oregon pursuant to OAR 735-016-0040. In addition to the descriptive address, the applicant also must provide a mailing address.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.050, 807.150 & 807.400  
 Stats. Implemented: ORS 807.110, 807.160 & 807.400  
 Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; March 1988, Renumbered from 735-031-0017; DMV 2-1995, f. & cert. ef. 2-10-95; DMV 12-1997, f. & cert. ef. 11-17-97; DMV 34-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 5-2004, f. & cert. ef. 3-25-04; DMV 21-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; DMV 8-2005, f. & cert. ef. 2-16-05; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05; DMV 9-2006, f. & cert. ef. 8-25-06; DMV 5-2007, f. 5-24-07, cert. ef. 8-1-07

**735-062-0035  
 Proof of School Attendance, Completion or Exemption**

DMV will require an applicant under 18 years of age to provide proof of school attendance, completion or exemption before issuing a driving privilege when no privilege has been issued to the applicant previously or the applicant's driving privilege has been revoked or cancelled. DMV must also view proof of school attendance, completion or exemption before reinstating a driving privilege suspended for failure to attend school. The following are proof of attendance, completion or exemption from school:

- (1) Proof of high school graduation includes:
  - (a) The applicant's high school diploma or a copy thereof;
  - (b) A certified copy of the applicant's high school transcript showing that the applicant has graduated; or
  - (c) A letter on school letterhead and signed by the principal or the principal's designee stating the applicant has graduated from high school.
- (2) Proof of receipt of a General Educational Development (GED) certificate includes:
  - (a) The applicant's GED certificate or copy thereof; or
  - (b) A letter from the Department of Community Colleges and Workforce Development, on agency letterhead and signed by an authorized representative, stating that the applicant has received a GED certificate.
- (3) The Statement of Enrollment form (DMV form #735-7185) signed by the principal or designee of the principal of the secondary school attended by the applicant.
- (4) The Statement of Enrollment form (DMV form #735-7185) signed by an authorized representative of a community college attend-

ed by the applicant showing that the applicant is making satisfactory progress toward a GED certificate.

(5) The Statement of Enrollment form (DMV form #735-7185) signed by the authorized representative of a community college attended by the applicant showing that the applicant is making satisfactory progress toward a high school diploma.

(6) The Statement of Enrollment form (DMV form #735-7185) signed by the authorized representative of the education service district or school district having jurisdiction over the area of the applicant's residence showing that the applicant is being taught by a private teacher or parent in compliance with ORS 339.035.

(7) A statement signed by the applicant, along with any supporting documentation, describing why the applicant cannot attend school due to circumstances beyond the applicant's control. Based upon the information submitted, DMV will determine whether or not the applicant is exempt from school attendance. This determination is only for the purpose of issuing driving privileges and does not exempt the applicant from any requirement to attend school.

(8) Proof that the applicant is exempt from school attendance under ORS 339.030(2) includes:

(a) The Statement of Enrollment form (DMV form #735-7185) signed by the designated representative of the education service district or school district having jurisdiction over the area of the applicant's residence showing that the applicant has been declared exempt from school attendance under ORS 339.030(2).

(b) A letter from the education service district or school district having jurisdiction over the area of the applicant's residence or State Board of Education, on letterhead and signed by a designated representative, stating that applicant has been granted an exemption from school attendance under ORS 339.030(2).

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619 & 807.066

Stats. Implemented: ORS 807.066

Hist.: DMV 6-2000(Temp), f. 8-10-00, cert. ef. 9-1-00 thru 2-27-01; DMV 13-2000, f. & cert. ef. 10-13-00

**735-062-0040**

**Knowledge Test**

(1) Applicants for an original driver permit or license must pass the knowledge test required under ORS 807.070(2) and, if applicable, ORS 807.065(1)(b).

(2) The knowledge test will be specific to the class of license sought. The test will examine the applicant's knowledge and understanding of traffic laws, safe driving practices and factors that cause accidents.

(3) The knowledge test is closed book. During the test an applicant is not allowed to use any study guides, manuals, notes, electronic devices or any other items to assist the applicant in obtaining answers to the test questions. During the test an applicant may not obtain an answer to any test question from another person.

(4) The first knowledge test for a driver license, permit or endorsement may be conducted the day the applicant becomes eligible for the test. If the applicant fails the first knowledge test, additional tests shall be conducted, as needed, with the following frequency:

(a) A second test may be conducted on any day after the day of the first test;

(b) A third test may be conducted on any day after the day of the second test;

(c) A fourth test may be conducted on any day after the third test;

(d) A fifth test may be conducted no sooner than 28 days after the fourth test; and

(e) Any subsequent test may be conducted no sooner than 28 calendar days after the previous test.

(5) If a compelling reason is shown the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) may waive the waiting period for a knowledge test required by section (4) of this rule. Reasons for waiving the waiting period include, but are not limited to:

(a) The person can demonstrate he or she failed the test due to a cognitive or functional impairment. A statement from the person's doctor describing how the impairment affects the person's ability to pass a knowledge test is required;

(b) The person can demonstrate that failure to pass the test will result in loss of his or her job or a job opportunity;

(c) The person was not given an oral test when an oral test was requested; or

(d) The person requested but was not given the test in his/her native language and the test is available in the language requested.

(6) The waiting period between knowledge test failures is determined by the number of times an applicant fails a specific type of test. For example, the failure of a Class C driver license knowledge test and a Class A commercial driver license knowledge test the same day is considered as one test failure for each knowledge test, not two failures.

(7) An applicant is cheating on a knowledge test if during the test a DMV employee observes behaviors such as, but not limited to, the following:

(a) The applicant clearly using notes, a study guide, a copy of the test, or any other kind of written material that may provide the answer to a test question.

(b) The applicant clearly using an electronic device with the capability for sound, email, text messages, web access including, but not limited to, a cellular phone, personal digital assistant or wireless handheld device.

(c) The applicant clearly obtaining answers to test questions from another person, either verbally or through the use of any type of physical gesture or signal.

(8) DMV will determine that the applicant is cheating if a DMV office manager, office team leader, or designee confirms the observation of the DMV employee as described in section (7) of this rule. If DMV determines that an applicant is cheating DMV will stop the test and record a failing score.

(9) Except as otherwise provided in this section, if DMV stops a test because of cheating, the applicant must wait 90 days before he or she may take a subsequent knowledge test. DMV may waive the 90-day waiting period required under this section if the person provides proof the waiting period creates an extreme hardship. The person must provide evidence of the hardship such as, but not limited to:

(a) A statement from an employer that the person's inability to obtain driving privileges or an endorsement will result in the loss of a job or of a job opportunity because the job requires driving a motor vehicle; or

(b) A statement from a physician that the person or a member of the person's immediate family is in need of regular medical treatment and that there is no alternative transportation.

(10) When DMV determines an applicant cheated on a knowledge test as described in section (8) of this rule, the applicant may request an administrative review. The following apply to an administrative review request:

(a) DMV will notify the applicant of the right to request an administrative review at the time the test is stopped.

(b) The applicant must request an administrative review within 60 days from the date of notice. The 90-day waiting period will remain in effect and will not be rescinded or stayed by DMV pending the outcome of the administrative review.

(c) A request for an administrative review must be in writing and must include:

(A) The person's full name;

(B) The person's complete mailing address;

(C) The person's Oregon driver license number, identification card number or customer number, if available; and

(D) A brief statement of the facts and any evidence the person wants to present showing he or she should not be subject to the 90-day waiting period or proof of extreme hardship if the person is requesting a waiver of the 90-day period as described in section (9) of this rule.

(d) A request for an administrative review should also include the person's date of birth.

(e) To be received by DMV, the request for an administrative review must be:

(A) Personally delivered to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR;

(B) Delivered by mail to DMV Headquarters, 1905 Lana Avenue NE, Salem OR 97314; or

(C) Received by facsimile machine at FAX number (503) 945-5497.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200, 802.540, 807.070

Stats. Implemented: ORS 807.070, 807.530, 809.310

Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0023; MV 8-1988, f. & cert. ef. 3-2-88; MV 16-1989, f. 8-25-89, cert. ef. 4-2-90; MV 7-1991, f. & cert. ef. 7-16-91; DMV 3-2002, f. & cert. ef.

3-14-02; DMV 6-2007, f. 5-24-07, cert. ef. 9-1-07; DMV 6-2007, f. 5-24-07, cert. ef. 9-1-07

**735-062-0050**

**Eyesight Check Content and Standards**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will check the following items when testing the eyesight of applicants for a driver permit or driver license:

- (a) Acuity; and
- (b) Field of vision.

(2) DMV may issue a driver permit or driver license only to persons whose eyesight, with best possible correction, meets the following standards:

(a) Acuity: The person must have a visual acuity level of 20/70 or better when looking through both eyes (or one eye if the person has usable vision in only one eye). Persons with usable vision in two eyes will meet the standard if the visual acuity level in one eye is worse than 20/70 so long as the visual acuity level in the other eye is 20/70 or better;

(b) Field of vision: The person must have a field of vision of 110 degrees; and

(c) Daylight driving only: DMV will restrict the person to daylight driving only, if the person's best eye is worse than 20/40 and no worse than 20/70, unless in the written opinion of a licensed vision specialist (ophthalmologist, oculist, or optometrist), the person's driving should not be restricted. DMV will restrict a person whose vision is 20/40 or better to daylight driving only if in the written opinion of a licensed vision specialist such restriction is warranted.

(3) A person may meet the eyesight check standards with the use of a corrective lens or lenses. When a person must use a corrective lens or corrective lenses to meet the eyesight check standards, DMV will restrict the person to driving only when wearing corrective lenses. DMV may authorize a person to use a bioptic telescopic lens on a corrective lens, as defined in OAR 735-062-0310(1), if when looking through the carrier lens and not the telescopic device, the person meets the eyesight standards set forth in section (2) of this rule.

(4) Notwithstanding sections (1), (2) and (3) of this rule a person who has a limited vision condition as described in Section 3, Chapter 277, Oregon Laws 2003, may be eligible for restricted driving privileges as set forth in OAR 735-062-0300 through 735-062-0380.

Stat. Auth.: ORS 184.616 & 807.070  
 Stats. Implemented: ORS 807.070  
 Hist.: MV 15-1987, f. 9-21-87, ef. 9-27-87; MV 38-1987(Temp), f. & ef. 12-7-87; MV 5-1988, f. 2-16-88, cert. ef. 2-17-88; Administrative Renumbering 3-1988, Renumbered from 735-031-0031; MV 11-1989, f. & cert. ef. 3-6-89; MV 1-1993, f. & cert. ef. 2-16-93; DMV 7-1996, f. & cert. ef. 8-15-96; DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

**735-062-0060**

**Periodic Check of Driver's Eyesight**

(1) All drivers 50 years of age and older must have their eyesight checked by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) once every eight years.

(2) A driver's age is the age the person will be on the date of the expiration of the license to be renewed. A driver may be required to have a vision screening at 49 years of age if the driver's license will expire on his or her 50th birthday.

(3) The eyesight check must include those items listed in OAR 735-062-0050.

(4) If a person's eyesight meets the eyesight check standard indicated in OAR 735-062-0050, and if the driver complies with all other driver license renewal requirements, DMV will renew the person's license. If the visual acuity of the person's best eye is worse than 20/40 and no worse than 20/70, DMV will restrict the person to daylight driving only, unless, in the written opinion of a licensed vision specialist (ophthalmologist, oculist or optometrist), the person's driving should not be restricted to daylight driving only. To obtain unrestricted driving privileges, the person must submit a completed Certificate of Vision form (DMV Form 735-24), that indicates it is the opinion of the vision specialist that the person's driving should not be restricted to daylight driving only.

(5) To allow a person to obtain the written opinion of a licensed vision specialist as provided in section (4) of this rule, DMV will issue upon request, a Temporary Driver Permit, which is valid for 30 days, when DMV's vision screening tests show a person's visual acuity level in the best eye is worse than 20/40 and no worse than 20/70 as follows:

(a) If the person's current driver license is due to expire within 30 days, DMV will issue a Temporary Driver Permit that is valid beginning on the date of expiration of the person's driver license;

(b) If the person's driver license is already expired and has been expired for less than one year, DMV will issue a Temporary Driver Permit that is valid beginning on the date it is issued; and

(c) The Temporary Driver Permit restricts the person's driving privileges to driving during daylight hours only.

(6) Drivers who are temporarily out-of-state and unable to go to a DMV office to have their eyesight checked when required to do so may get their eyesight checked in the state where they are located. A vision examination form Certificate of Vision, **DMV Form 735-24** will be provided to the person by DMV. The form must be completed by a licensed ophthalmologist, oculist, or optometrist and be submitted to DMV along with the driver license renewal application.

[ED. NOTE: Forms referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 807.070, 807.120 & 807.150  
 Stats. Implemented: ORS 807.120, 807.150 & 807.310  
 Hist.: MV 13-1985, f. 10-8-85, ef. 1-1-86; MV 15-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0047; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 2-2003(Temp), f. & cert. ef. 3-20-03 thru 9-15-03; DMV 6-2003, f. 5-14-03, cert. ef. 6-1-03

**735-062-0070**

**Drive Test**

(1) A drive test examiner of the Driver and Motor Vehicle Services Division, Department of Transportation (DMV) or a third party drive test examiner certified by the department will conduct the actual demonstration of an applicant's ability to drive a motor vehicle (the drive test) required under ORS 807.070(3) in a vehicle or combination of vehicles that can be driven only with the license class for which the application is made. For example, the drive test examiner will test a person applying for a Class C driver license in a vehicle that can be driven only by a person with a Class C driver license; the drive test examiner will test a person applying for a Class A commercial driver license in a vehicle that can be driven only by a person with a Class A commercial driver license. All persons must qualify for a Class C driver license before applying for a Class A, B or C commercial driver license.

(2) The drive test examiner will conduct the drive test on public streets and highways.

(3) The drive test may include checks of the applicant's ability to safely and skillfully do the following:

- (a) Operate vehicle equipment and controls;
- (b) Start the vehicle;
- (c) Stop the vehicle;
- (d) Turn and steer the vehicle;
- (e) Change lanes;
- (f) Merge with other traffic;
- (g) Signal;
- (h) Use lanes properly and maintain lane position;
- (i) Control speed and obey speed limits;
- (j) Back the vehicle;
- (k) Observe signs, signals, other traffic and pedestrians;
- (l) Use courtesy on the road and defensive driving techniques;

and

(m) Demonstrate general driving ability and vehicle control.

(4) In addition to the actual drive test, applicants for a Class A or B commercial driver license will perform a pre-trip inspection. Applicants for a Class C commercial driver license with a passenger endorsement also will perform a pre-trip inspection. The pre-trip inspection will include checks of the applicant's ability to demonstrate his or her knowledge and skill in inspecting the vehicle's equipment to ensure it is in safe operating condition. A pre-trip inspection may include the following:

- (a) Inspection of the following vehicle equipment:
  - (A) Tires and wheels;
  - (B) Controls, including steering wheel, brake pedal, clutch pedal (if applicable) and accelerator pedal;
  - (C) Engine start;
  - (D) Engine compartment;
  - (E) Suspension;
  - (F) Exterior parts of vehicle, including driver and fuel areas, undercarriage of vehicle and lighting indicators;

(G) Other miscellaneous equipment, including passenger exits, seating and baggage compartment; and

(H) Braking system, including the air brake system warning devices and controls if the vehicle is equipped with air brakes.

(b) Explanation to the drive test examiner as to what possible problem is being identified; and

(c) Explanation to the drive test examiner as to how to determine if the vehicle equipment is in safe operating condition.

(5) The first drive test may be conducted the day an applicant, who is otherwise eligible, satisfactorily completes the knowledge test and vision screening, or presents a valid instruction permit, except as indicated in section (6) of this rule. If the applicant fails the first drive test, a drive test examiner will conduct additional drive tests as needed, with the following frequency:

(a) A second drive test may be conducted no sooner than seven days after the first drive test;

(b) A third drive test may be conducted no sooner than 14 days after the second drive test;

(c) A fourth drive test may be conducted no sooner than 28 days after the third drive test; and

(d) A fifth drive test may be conducted no sooner than 28 days after the fourth drive test.

(6) The first drive test for a provisional license applicant under 18 years of age may be conducted the day the applicant becomes eligible for the test. To be eligible for a drive test, the applicant must present a valid instruction permit. A drive test examiner will conduct additional drive tests with the following frequency:

(a) A second drive test may be conducted no sooner than 28 days after the first drive test;

(b) A third drive test may be conducted no sooner than 28 days after the second drive test;

(c) A fourth drive test may be conducted no sooner than 28 days after the third drive test; and

(d) A fifth drive test may be conducted no sooner than 28 days after the fourth drive test.

(7) No more than five drive tests may be conducted within any 12-month period. Following a fifth drive test failure within a 12 month period, no further drive tests will be conducted for one year from the date of the fifth drive test failure.

Stat. Auth.: ORS 802.010, 802.200, 802.540, 807.070 & 807

Stats. Implemented: ORS 807.070

Hist.: MV 15-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0027; MV 25-1989, f. & cert. ef. 10-3-89; MV 53-1989, f. & cert. ef. 12-1-89; MV 6-1990, f. & cert. ef. 4-2-90; MV 7-1991, f. & cert. ef. 7-16-91; DMV 3-2002, f. & cert. ef. 3-14-02

### 735-062-0073

#### Denial of Further Testing

DMV may refuse to continue a test or conduct further testing if the department determines that the person does not meet the qualifications for the class of license or endorsement for which the person is being tested. To show qualification for a license or endorsement, a person must demonstrate knowledge and understanding of the traffic laws of this state and must demonstrate the person's ability to operate a motor vehicle without endangering the safety of persons or property:

(1) A DMV employee may refuse to conduct or to continue a behind the wheel drive test if the employee reasonably believes that the person is likely to endanger persons or property while being tested.

(2) DMV may deny a drive test, and deny further testing, prior to the start of the test if there are observable reasons to believe the person may endanger the safety of persons or property during a drive test. Observable reasons to deny a drive test before starting the test may include but are not limited to the following:

(a) The person is visibly confused;

(b) The person is unable to follow simple directions needed to prepare for the drive test; or

(c) The person is unable to perform the safety check on the person's vehicle before beginning the drive test.

(3) DMV may immediately stop a drive test if the drive test examiner reasonably believes the person is likely to endanger persons or property. Reasons to immediately stop a drive test include, but are not limited to:

(a) An accident during the drive test which could have been avoided by the driver being tested;

(b) Dangerous driving behaviors including but not limited to the following:

(A) Failure to obey traffic control devices;

(B) Is prevented from causing an accident by the actions of other drivers or the examiner;

(C) Turns from the wrong lane or into the wrong lane in a way that it impedes the right of way of others;

(D) Fails to stop for a school bus that has its red lights flashing;

(E) Fails to yield to a pedestrian or fails to stop when another vehicle is stopped at a crosswalk because a person is occupying the crosswalk;

(F) Drives over a curb, sidewalk or median;

(G) Depends on the action of other drivers for his or her own safety; or

(H) Changes lanes or merges into traffic without checking for other vehicles.

(c) Is an experienced driver who is unable to perform basic driving tasks;

(d) Is unable to follow instructions to the point the drive examiner is not certain he or she can verbally guide the driver back to the DMV field office; or

(e) Seems unaware of driving mistakes made, takes no responsibility as mistakes are pointed out and shows a pattern of denial of any error.

(4) A DMV employee may use the guidelines in sections (2) and (3) of this rule, or other actions that occurred during a drive test, to refuse to conduct or continue testing and to recommend denial of further testing.

(5) Upon review of the DMV employee's recommendation and if DMV determines the person is likely to endanger persons or property during subsequent testing, DMV will deny further testing and will:

(a) Send to a person who has not been issued Oregon driving privileges a notice denying further testing. The person is not entitled to a contested case hearing; or

(b) Cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010 and 735-070-0020 if the person has been issued Oregon driving privileges.

(6) Someone who has been denied further testing under this rule must provide adequate proof to DMV that the person has taken steps to improve driving skills and as such can take a drive test without endangering the safety of persons or property. A person may provide proof, which may alone or in conjunction with other information constitute adequate proof, such as the following:

(a) Successfully complete a driver training course conducted by an ODOT certified commercial driver training school and submits proof of completion to DMV.

(b) Successfully complete a driver rehabilitation program conducted by a rehabilitation specialist and submits proof of completion to DMV.

(c) Submit a medical report form showing that a licensed physician, physician's assistant or nurse practitioner has conducted a diagnostic examination, showing to the satisfaction of the State Health Officer that the person's physical or mental disease or disability has improved or is controlled, so that it does not impair the person's ability to safely operate a motor vehicle.

(d) Show proof that an adaptive device, such as hand controls, has been added to the vehicle and show some documentation that the person knows how to use and has practiced with the adaptive device(s).

(7) To satisfy the requirements of subsections (6)(a) or (b) of this rule, the proof submitted to DMV must include the following:

(a) The applicant's name and either a date of birth or Oregon driver license number;

(b) A certificate or statement from the driver training instructor or school, or the rehabilitation specialist that the person successfully completed a driver training course or a driver rehabilitation program; and

(c) The ODOT certification number of the commercial driver training school, or the rehabilitation program name, address, phone number and the name of the specialist who worked with the person.

(8) To obtain a driver license or endorsement, an applicant who has been denied further testing, or a person whose driving privileges have been cancelled under subsection (5)(b) of this rule, must meet the requirements of section (6) of this rule and must submit an application,

pay all required fees, and establish all qualifications for the class of license or endorsement sought.

[ED. NOTE: Forms referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619 & 802.010  
 Stats. Implemented: ORS 807.070, 807.340 & 807.350  
 Hist.: DMV 3-2002, f. & cert. ef. 3-14-02; DMV 14-2005, f. & cert. ef. 5-19-05

**735-062-0075**

**Driver Tests, Additional Provisions**

(1) In addition to the requirements of any other law or rule, the following apply to driver license, permit or endorsement tests provided by the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV):

(a) Any required fee for a test must be paid prior to taking the test. DMV will not refund a test fee if the applicant fails the test.

(b) Test scores are valid for two years from the date the test is passed. After two years the applicant must retake and pass the applicable tests to be issued the license, permit or endorsement.

(2) The following apply to commercial driver licenses (CDL) only:

(a) Applicants for a Class A commercial driver license must pass a "combination vehicle" knowledge test for combination vehicles.

(b) A restriction prohibiting the operation of vehicles with air brakes will be included on any CDL unless the applicant:

- (A) Passes the air-brake knowledge test; and
- (B) Passes the skills test in a vehicle equipped with air brakes, when a skills test is required.

(c) For purposes of application for and issuance of a commercial driver license (CDL), DMV may accept CDL knowledge and skills test results from another state if the state sends the test scores directly to DMV.

(d) All knowledge and skills tests administered to meet the requirements for issuance of a commercial driver license or endorsements to a commercial driver license will be offered or conducted in English. All examiner questions and responses to an applicant's questions during the testing process, both verbal and written, must be communicated in the English language and may not be interpreted into the applicant's native language by the examiner or an interpreter.

(e) An applicant must respond in English to any test question during a knowledge or skills test or to an examiner's request for information that is part of the normal testing process. An applicant may not use a language interpreter during the testing process.

(3) If a CDL skills test is not provided due to vehicle equipment failure (the vehicle does not have the necessary safety equipment or is not in proper working order), the required test fee will remain on the DMV customer record for when the test is provided. If there are three postponements due to equipment failure it will be considered a test failure and the test fee will be forfeited. An additional test fee will be required for subsequent tests.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.045, 807.050, 807.070, 807.120 & 807.170  
 Stats. Implemented: ORS 807.031, 807.045, 807.070 & 807.120  
 Hist.: MV 58-1989, f. 12-29-89, cert. ef. 1-1-90; MV 6-1990, f. & cert. ef. 4-2-90; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; MV 4-1992, f. & cert. ef. 4-16-92; DMV 23-2003, f. 12-15-03 cert. ef. 1-1-04; DMV 3-2006, f. 3-17-06, cert. ef. 4-15-06

**735-062-0080**

**Waiving Drive Test Portion of Driver License Examination**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will waive the actual demonstration of a person's ability to drive a Class C vehicle required by ORS 807.070(3) if all of the following apply:

(a) The person surrenders to DMV a driver license issued to the person by another state, the District of Columbia, a United States Territory or a Canadian Province that has not been expired for more than one year, or if the person's driver license issued by another jurisdiction, has been lost or stolen, the person submits a letter of clearance, as required in OAR 735-062-0000;

(b) The surrendered, lost or stolen license authorizes the driving of a vehicle other than a moped or motorcycle;

(c) The surrendered, lost or stolen license includes no restrictions other than a single restriction or a combination of restrictions comparable to restrictions imposed on an Oregon driver license;

(d) The person has no physical disabilities or impairments which may necessitate any restrictions other than:

- (A) "With corrective lenses";

- (B) "Outside or side-view mirror(s)"; or
- (C) The restriction(s) imposed on the person's surrendered, lost or stolen driver license issued by another jurisdiction.

(e) The person has no physical or mental condition that provides DMV with reason to question the person's ability to drive a motor vehicle without endangering the safety of persons or property.

(2) DMV will waive the actual demonstration of a person's ability to drive a Class A, B, or C commercial motor vehicle or any endorsement related to a commercial driver license if the person surrenders to DMV a commercial driver license and satisfies the requirements in subsection (a) or (b) of this section:

(a) The person must meet the qualifications set forth in subsections (1)(a) through (e) of this rule and possess an out-of-state commercial driver license approved by the Federal Motor Carrier Safety Administration that authorizes the driving of a commercial motor vehicle included in the Oregon classification for which the application is made; or

(b) The person submits to DMV a Certificate of Competency, Form 6771, in accordance with OAR 735-060-0130.

(3) DMV will waive the actual demonstration of a person's ability to drive a motorcycle if:

(a) The person surrenders to DMV a motor-cycle-endorsed driver license issued to the person by another state, the District of Columbia, a United States Territory or a Canadian Province, or submits a clearance letter as provided for in subsection (1)(a) of this rule; and

(b) The person meets the qualifications in subsections (1)(c), (d) and (e) of this rule.

(4) In addition to section (3) of this rule, DMV will waive the actual demonstration of a person's ability to drive a motorcycle if:

(a) The person passes a motorcycle skills test given during a motorcycle rider education course established by the Transportation Safety Division under ORS 802.320; and

(b) The motorcycle skills test administered during the motorcycle education course meets or exceeds the motorcycle skills test administered by DMV.

(5) Evidence of passing the motorcycle skills test identified in section (4) of this rule is a motorcycle education course completion card as provided for in OAR 735-062-0140. The completion card must have been issued within two years of application to be considered valid for waiver of the skills test.

[ED. NOTE: Forms referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.070, 807.080 & 807.170  
 Stats. Implemented: ORS 807.070, 807.080 & 807.170  
 Hist.: MV 61, f. 10-14-75, ef. 11-11-75; MV 15-1986, f. 9-16-86, ef. 10-1-86; MV 15-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0045; MV 26-1988, f. & cert. ef. 11-1-88; MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1990, f. & cert. ef. 8-16-90; MV 1-1991, f. & cert. ef. 3-18-91; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; MV 6-1992(Temp), f. 5-29-92, cert. ef. 6-1-92; MV 10-1992, f. 8-21-92, cert. ef. 9-1-92; MV 12-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 4-1995, f. & cert. ef. 3-9-95; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 11-2006(Temp), f. & cert. ef. 8-25-06 thru 2-20-07; DMV 18-2006, f. & cert. ef. 12-13-06

**735-062-0085**

**Waiving Examination Requirements for Farm Endorsement**

DMV may waive the examination requirements of an applicant for a farm endorsement if the applicant meets the qualifications specified in ORS 807.072(4) or (5). If the applicant has an accident(s) appearing on his or her driving record in the two years prior to the date of application, DMV may still waive the examination requirements if the applicant was not convicted of any offense relating to the accident(s).

Stat. Auth.: ORS 802.010, 802.200, 807, Ch. 185, OL 1991 & Ch. 636, OL 1989  
 Stats. Implemented: ORS 807.170  
 Hist.: MV 6-1990, f. & cert. ef. 4-2-90; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; MV 10-1992, f. 8-21-92, cert. ef. 9-1-92; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05

**735-062-0090**

**Renewal Driver Licenses and Identification Cards**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will renew the driver license of a person satisfying the requirements set forth in ORS 807.150.

(2) An applicant for the renewal of a driver license or identification card must present to DMV proofs of age and/or identity as set forth in OAR 735-062-0020.

(3) 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 proofs of residence address listed in OAR 735-062-

0030 that shows the person's current residence address. (Current residence address is the residence address to be included on the license or identification card to be issued.)

(4) DMV may renew an unexpired driver license or identification card up to four months prior to the expiration date.

(5) 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 735-062-0000.

(6) An applicant for a renewal of a commercial driver license with a hazardous materials endorsement must retake and pass the hazardous materials knowledge test and meet the requirements set forth in OAR 735-062-0190 to retain the hazardous materials endorsement on the commercial driver license.

(7) An applicant for a renewal of a commercial driver license must meet the requirements set forth in OAR 735-074-0290.

(8) Before processing a driver license renewal, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) or the Commercial Driver License Information System (CDLIS), or both, to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. Before processing a commercial driver license (CDL) renewal, DMV will make an inquiry to CDLIS to determine if the applicant has been issued a CDL in any other jurisdiction.

(9) 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 submits a clearance letter that complies with OAR 735-062-0160 and shows the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.

(10) Notwithstanding section (9) 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.

(11) DMV will not renew an Oregon driver license or permit if the applicant has a current, valid Oregon identification card. To become eligible, the person must surrender the Oregon identification card before DMV will renew the Oregon driver license or permit. If the person's identification card is lost or the person no longer has the identification card in his or her possession, the person must provide a statement attesting to this fact.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.012 & 807.040  
 Stats. Implemented: ORS 802.012, 802.540, 807.040 - 807.060, 807.100, 807.150 & 807.400  
 Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0009; MV 14-1992, f. & cert. ef. 10-16-92; MV 16-1992, f. & cert. ef. 12-16-92; DMV 11-1998, f. & cert. ef. 9-14-98; DMV 21-2004(Temp), f. & cert. ef. 10-1-04 thru 3-29-05; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 4-2007, f. 5-24-07, cert. ef. 6-5-07

**735-062-0092**

**Mailing Driver Licenses, Driver Permits and Identification Cards**

(1) The Driver and Motor Vehicle Services Division of the Oregon Department of Transportation (DMV) will mail a driver license, driver permit or identification card to the address provided by the applicant at the time of application.

(2) The delivery of the driver license, driver permit or identification card may be expedited if:

- (a) The person requests expedited service at time of application;
- (b) DMV determines that there is an opportunity to pull the license out of the normal mailing process in order to expedite delivery and otherwise approves the request; and
- (c) The person pays additional monies to cover the cost of special handling and shipping.

Stat. Auth.: ORS 184.616, 184.619, 802.010, Ch. 775, OL 2005  
 Stats. Implemented: ORS 807.310, Ch. 775, OL 2005  
 Hist.: DMV 5-2007, f. 5-24-07, cert. ef. 8-1-07

**735-062-0094**

**Interim Cards**

- (1) For purposes of this rule:
  - (a) "Interim identification card" means an applicant temporary identification card under 2005 Oregon Laws, Chapter 775, Section 10.
  - (b) "Interim driver card" means an applicant temporary driver permit under ORS 807.310 that grants the privilege of a commercial driver license, non-commercial driver license or driver permit with or

without endorsement(s) depending on what the applicant has applied and qualified for.

(2) Once an applicant has met all requirements set forth in ORS 807.040 the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will issue an interim driver card for the applicant to use until the interim is invalid as described in section (5) of this rule.

(3) Once an applicant has met all requirements set forth in ORS 807.400 DMV will issue an interim identification card for the applicant to use until the interim is invalid as described in section (5) of this rule.

(4) DMV will issue an interim driver card or interim identification card for a period not to exceed 30 days.

(5) An interim driver card or interim identification card is invalid when:

- (a) The driver license, driver permit or identification card is received in the mail;
  - (b) Driving privileges or rights to an identification card have been suspended, cancelled or revoked; or
  - (c) The interim driver card or interim identification card expires.
- (6) A holder of an interim driver card must have the interim driver card on the holder's person while operating a motor vehicle. The interim driver card will indicate the class of license granted and any endorsements granted.

Stat. Auth.: ORS 184.616, 184.619, 802.010, Ch 775, OL 2005  
 Stats. Implemented: ORS 807.310, Ch 775, OL 2005  
 Hist.: DMV 5-2007, f. 5-24-07, cert. ef. 8-1-07

**735-062-0095**

**Transition to Eight Year Renewal Cycle**

As authorized by Oregon Laws 1999, Chapter 91, Section 9, the following rules are adopted as necessary for an orderly transition to an eight-year period for issuance and renewal of driver licenses, endorsements, identification cards, disability golf cart driver permits, and disabled person parking permits.

(1) The transition period begins on October 1, 2000 and ends on October 1, 2008. In order to complete the full transition to the eight-year period by October 1, 2008, DMV will stop issuing renewal reminder notices that authorize a person to renew by mail after September 30, 2004. Licensees required to renew a driver license after September 30, 2004 must appear in person at a DMV office.

(2) Beginning October 1, 2000 DMV will issue an Oregon license or identification (ID) card for an eight-year period when:

- (a) Issuing a first license or ID card;
- (b) Issuing a license upon restoration of revoked driving privileges;
- (c) Issuing a license upon restoration of cancelled driving privileges;
- (d) Issuing a license or ID card when the previous license or ID card has been expired for more than one year; or
- (e) Renewing the license of a person who is required to renew in person at a DMV field office.

(3) DMV will renew a license for a four-year period when renewing the license of a person who is eligible to renew by mail whether the person renews by mail or in person at a DMV field office.

(4) Beginning October 1, 2003, DMV will renew an ID card for an eight-year period.

(5) A license, endorsement or permit issued or renewed for a four-year period will be charged one-half of the fee established by ORS 807.370.

Stat. Auth.: ORS 184.616, 184.619 & Sec. 9, Ch. 91, OL 1999  
 Stat. Imp. ORS 807.130, 807.400 & 807.410  
 Hist.: DMV 12-2000, f. & cert. ef. 9-21-00; DMV 12-2003(Temp), f. 9-22-03, cert. ef. 10-1-03 thru 3-28-04; DMV 23-2003, f. 12-15-03 cert. ef. 1-1-04

**735-062-0105**

**Waiver of Replacement License or Driver Permit Fee**

For purposes of convenience, DMV will issue a replacement license or driver permit and waive the replacement fee if, after filing a change of address form, a customer does not receive the address change sticker and comes in person to a DMV field office.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.390  
 Stats. Implemented: ORS 807.160 & 807.390  
 Hist.: DMV 21-2001, f. & cert. ef. 10-18-01; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05



**735-062-0110**

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

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (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 a person meets the requirements set forth in ORS 807.160 and the person 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 a person:

(a) Furnishes proof satisfactory to the department of the loss, destruction or mutilation of the person's driver license, driver permit or identification card.

(b) Changes residence address from the address noted on the person's driver license, driver permit or identification card.

(c) Is an officer or eligible employee who has requested, in accordance with ORS 802.250, that department records show the address of the person's employer.

(d) Changes names from the name noted on the person's driver license, driver permit or identification card.

(e) Is applying for or is required to add or remove a restriction on the person'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 person's driver license or driver permit.

(g) Furnishes proof satisfactory to the department or the department determines that the department made an error when issuing the person's driver license, driver permit or identification card.

(h) Surrenders the person's driver license that was issued without a photograph under OAR 735-062-0120 and requests a driver license with a photograph.

(i) Surrenders a driver license, driver permit or identification card to the department following a suspension and the person becomes eligible for driving privileges or an identification card.

(j) Has a driver license, driver permit or identification card that was confiscated by a police officer, a court or other agency and the person is eligible for a driver license, driver permit or an identification card.

(k) 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.

(l) Surrendered an Oregon driver license or driver permit to the driver licensing agency of another state or jurisdiction and the person again becomes domiciled in or a resident of Oregon, as long as the person remains eligible for driving privileges and the driver license or permit has not been expired for longer than one year. This subsection does not apply if the person is requesting a commercial driver license.

(m) 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.

(n) Requests a downgrade from one license class to another (e.g., a Commercial Driver License to a non-commercial Class C driver license).

(o) Requests restoration of a Commercial Driver License following a suspension of the Commercial Driver License or a downgrade to non-commercial driving privileges and the person is eligible for commercial driving privileges.

(p) 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 driver license, driver permit, or identification card must present to DMV proofs of age and identity as set forth in OAR 735-062-0020.

(4) An applicant at a DMV field office for a replacement driver license, driver permit, or identification card that includes a change of residence address must also present to DMV one of the proofs of residence address listed in OAR 735-062-0030 that shows the person's current residence address. Current residence address is the address where the person actually lives and DMV will include that address on the license, permit, or identification card issued.

(5) 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.

(6) 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) or the Commercial Driver License Information System (CDLIS), or both, to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction. Before processing a replacement commercial driver license or commercial driver permit, DMV will make an inquiry to CDLIS to determine if the applicant has been issued a CDL in another jurisdiction.

(7) 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 or CDLIS, or both, shows that the applicant's driving privileges are reinstated or otherwise valid in the other jurisdiction.

(8) Notwithstanding section (7) of this rule, DMV will issue a replacement 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.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.160  
 Stats. Implemented: ORS 807.160, 807.220, 807.230, 807.280 & 807.400  
 Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0013; DMV 24-2003, f. 12-15-03 cert. ef. 1-1-04; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05

**735-062-0115**

**Non-Issue of a Driver License Following Confiscation**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will not issue a driver license to a person whose driving record indicates a pending Implied Consent Law suspension under ORS 813.100.

(2) DMV will issue a temporary driving permit, Form 45, instead of a driver license if the person is eligible for driving privileges.

(3) The permit issued under section (2) of this rule is valid until the Implied Consent Law suspension takes effect or until the person's driver license expires.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 813.110  
 Stats. Implemented: ORS 807.160, 813.100 & 813.110  
 Hist.: MV 5-1990, f. & cert. ef. 3-5-90; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05

**735-062-0120**

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

(1) The Administrator of the Driver and Motor Vehicle Services Division of the Department of Transportation (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) Who has severe facial disfigurement; or

(c) Who is temporarily absent from Oregon.

(2) Any person who receives a driver license without a photograph because of being temporarily absent from Oregon must make application to DMV within 30 days after returning to Oregon, surrender the license that was issued without a photograph, and pay for a replacement license bearing a photograph.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.110  
 Stats. Implemented: ORS 807.110  
 Hist.: MV 80, f. & ef. 10-4-77; MV 15-1986, f. 9-16-86, ef. 10-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0038; DMV 21-2001, f. & cert. ef. 10-18-01; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05

**735-062-0130**

**Issuance of a Replacement Driver License, Driver Permit or Identification Card with a New Number**

(1) For purposes of this rule:

(a) "Customer number" means the distinguishing number assigned to a driver license, driver permit or identification card;

(b) "Fraudulent use" means the use of another person's name and customer number for the purpose of misrepresenting a person's identity in order to commit the crime of identity theft, to receive financial

gain, or to avoid legal responsibility after committing an offense. Examples include but are not limited to:

(A) Fraudulent use of a person's name and customer number to open a bank account, order checks or cash a forged check;

(B) Fraudulent use of a person's name and customer number to open a credit card account; or

(C) Giving another person's name and customer number to a police officer who is enforcing the motor vehicle laws in order to avoid legal responsibility for a traffic offense, resulting in a conviction(s) being posted to the other person's driving record.

(2) Upon request, the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation (DMV) will issue a person a replacement driver license, driver permit or identification card with a different customer number if the person provides evidence satisfactory to DMV to show:

(a) The fraudulent use of the person's name and customer number; or

(b) That the person is a victim of abuse, stalking, or physical violence and the person is taking steps to protect his or her identity including a legal name change.

(3) Evidence submitted to DMV of the fraudulent use of a name and customer number must show that both the name and the customer number have been used for a fraudulent purpose. The person must provide at least one of the following types of documents:

(a) A copy of a police report or letter from a police agency;

(b) A report or letter from a credit card company, credit reporting bureau or financial institution;

(c) A report or letter from the Oregon Department of Revenue or Internal Revenue Service;

(d) A document issued by a Court; or

(e) A letter from a District Attorney.

(4) A person who is the victim of abuse, stalking, or physical violence must provide a court judgment showing a legal name change and at least one of the following types of documents that show the person has been a victim of abuse, stalking, or physical violence:

(a) A copy of a police report or letter from a police agency;

(b) A document issued by a Court;

(c) A letter from a District Attorney;

(d) A letter or report from a state agency or a community crisis center for domestic violence or physical or sexual abuse; or

(e) A letter or report from a physician, physician assistant, nurse practitioner, psychologist, licensed clinical social worker or licensed professional counselor who provided treatment or counseling services to the person.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.160, 807.400

Stats. Implemented: ORS 807.160, 807.400

Hist.: MV 26-1989, f. & cert. ef. 10-3-89; DMV 30-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thur 6-29-06; DMV 1-2006, f. & cert. ef. 2-15-06

### 735-062-0135

#### Voluntary Surrender of Driving Privileges

A person may surrender all or part of the driving privileges granted to that person by the State of Oregon, through the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV).

(1) To surrender all or part of a person's driving privileges, that person must sign a DMV form and must surrender to DMV any license or permit issued for the driving privilege. DMV will allow the person to surrender all driving privileges, or part of the driving privileges granted to that person under any class of license, endorsement or driver permit.

(2) When driving privileges are surrendered, the driving privileges are immediately withdrawn and the person is no longer authorized to operate vehicles pursuant to those driving privileges. A person who surrenders all driving privileges may not exercise any driving privileges, except those granted by statute under ORS 807.020. A person who surrenders part of the person's driving privileges may exercise only those driving privileges retained. Operation of a vehicle on Oregon highways or premises open to the public without appropriate driving privileges is a violation of law under ORS 807.010.

(3) In accordance with OAR 735-062-0010, DMV may issue an identification card to a person who has surrendered all driving privileges.

(4) A person may surrender only part of the driving privileges granted by DMV by canceling any endorsements or driver permits

granted to the person. The person must specify those driving privileges the person seeks to surrender. A person who surrenders an endorsement must pay the renewal or replacement license fee for issuance of a license that reflects the driving privileges the person retains.

(5) Surrender of driving privileges means the driving privileges are canceled as defined in ORS 801.175(2). When a voluntary surrender of driving privileges is accepted, DMV will cancel driving privileges without providing further notice or an opportunity for hearing to the person. The person's driving record will show that the driving privileges have been surrendered.

(6) A person who seeks to regain surrendered driving privileges must reapply for the privileges and establish eligibility and qualification as provided by law, including payment of all required fees.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

Stats. Implemented: ORS 802.010(1)(c)

Hist.: DMV 1-2003, f. & cert. ef. 2-13-03; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05

### 735-062-0140

#### Proof of Completion of a Motorcycle Education Course

For purposes of issuing a motorcycle endorsement to persons under 21 years of age, DMV will only accept a motorcycle rider education course approved by the Department of Transportation in accordance with ORS 802.320. As proof of completion of a motorcycle education course, DMV will accept a card, which minimally includes:

(1) The applicant's name;

(2) The name of the course completed;

(3) The date of the course;

(4) Where the course was taken;

(5) The signature of the instructor; and

(6) The instructor's certification number as assigned by the motorcycle education course approved by the department.

Stat. Auth.: ORS 184.616, 184.619 & 807.175

Stats. Implemented: ORS 807.170 & 807.175

Hist.: MV 27-1989, f. & cert. ef. 10-3-89; MV 12-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 7-1998, f. & cert. ef. 6-19-98; DMV 11-2006(Temp), f. & cert. ef. 8-25-06 thru 2-20-07; DMV 18-2006, f. & cert. ef. 12-13-06

### 735-062-0150

#### Commercial Driver License with Passenger Endorsement

(1) DMV will place an M restriction on the commercial driving privileges and commercial driver license (CDL) of an applicant who passes the passenger skills test in a Class B passenger vehicle. The M restriction allows the person to operate only a Class B or C passenger vehicle.

(2) DMV will place an N restriction on the commercial driving privileges and CDL of an applicant who passes the passenger skills test in a Class C passenger vehicle. The N restriction allows the person to operate only a Class C passenger vehicle.

(3) The commercial driving privileges of the holder of a CDL with a passenger endorsement are restricted as follows:

(a) Unless the person passes a passenger skills test in a Class A passenger vehicle, the holder of a Class A CDL will have an M restriction;

(b) The holder of a Class B CDL will have an M restriction; and

(c) The holder of a Class C CDL will have an N restriction.

(4) DMV will not place a restriction on the commercial driving privileges of a person who passes a passenger skills test in a Class A passenger vehicle.

(5) Whenever the holder of a CDL with a passenger endorsement is required to appear or voluntarily appears in person at a DMV office to renew or replace the license, DMV will update the CDL by placing an M or N passenger restriction on the holder's CDL as set forth in section (3) of this rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Other Auth.: 49 CFR § 383.117

Stats. Implemented: ORS 807.070, 807.080, 807.170, 807.175

Hist.: MV 6-1990, f. & cert. ef. 4-2-90; DMV 9-1997, f. & cert. ef. 10-16-97; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 3-2007, f. & cert. ef. 2-26-07

### 735-062-0160

#### Clearance Letter

(1) A clearance letter referred to in OAR 735-062-0000, 735-062-0030(3)(h)(I), 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's driving privileges in that jurisdiction.

(2) A clearance letter, as provided in section (1) of this rule, must include the:

- (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'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'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) will allow a person 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's driving privilege is valid in that jurisdiction. The person 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.

Stat. Auth.: ORS 802.010, 802.200, 802.540, 807.040, 807.045, 807.050, 807.060, 807.070, 807.150, 807.170 & 809.310

Stats. Implemented: ORS 807.050

Hist.: MV 14-1992, f. & cert. ef. 10-16-92; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05

### 735-062-0190

#### Requirements for Issuance and Retention of a Hazardous Materials Endorsement

(1) To obtain, retain or renew a hazardous materials endorsement on an Oregon commercial driver license (CDL), a person must be qualified. To qualify for a hazardous materials endorsement a person must:

- (a) Qualify for commercial driving privileges or have a valid Oregon CDL;
- (b) Pass a hazardous materials endorsement knowledge test for an original endorsement or a renewal;
- (c) Pass a security threat assessment (security check) from the Transportation Security Administration (TSA) in accordance with 49 CFR Part 1572, including receipt by DMV of a notice from TSA which shows the person does not pose a security threat. A person must pass a TSA security check at the following times:

(A) Before DMV will issue an original hazardous materials endorsement;

(B) Between three and five years prior to the date the CDL with a hazardous materials endorsement expires;

(C) No more than one year prior to expiration of the CDL with a hazardous materials endorsement; and

(D) Any other time required by DMV.

(d) Complete a TSA security check four to five years prior to the date the CDL with a hazardous materials endorsement expires.

(e) Pay all required fees, which include, but may not be limited to, any applicable issuance fee and a hazardous materials knowledge test fee.

(2) To complete a TSA security check, a person must complete a security check application, submit fingerprints, provide proof of citizenship or lawful immigration status, and payment of fees as specified by TSA. To pass a TSA security check, DMV must receive a notice from TSA which shows the person does not pose a security threat.

(3) DMV may issue a CDL without a hazardous materials endorsement to a person waiting to receive the results of the security check from TSA. Upon receipt of a notice from TSA showing the person passed a security check, DMV will issue, at no charge, a replace-

ment CDL with a hazardous materials endorsement. The person must surrender the CDL that was issued pending the security check. A person issued a CDL without a hazardous materials endorsement is not authorized to transport hazardous materials.

(4) A person is no longer qualified for a hazardous materials endorsement if:

(a) DMV receives a notice of threat assessment from TSA requiring immediate cancellation of the hazardous materials endorsement; or

(b) DMV receives notice from TSA indicating the person did not pass the security threat assessment.

(5) If DMV determines a person is no longer qualified for a hazardous materials endorsement, DMV will cancel the person's hazardous materials endorsement. Upon cancellation of the hazardous materials endorsement, the person must immediately surrender to DMV the CDL showing the hazardous materials endorsement. DMV will issue a driver license, at no charge, without a hazardous materials endorsement if the person qualifies for driving privileges.

(6) A person is no longer qualified for commercial driving privileges with a hazardous materials endorsement if when required, the person fails to complete and pass a TSA security check as described in section (2) of this rule. DMV will cancel the person's commercial driving privileges as set forth in OAR 735-070-0000.

(7) If the person does not surrender his or her CDL showing the hazardous materials endorsement within the time required on the notice of cancellation, DMV will cancel the person's commercial driver license pursuant to ORS 809.310(1) and 807.350.

(8) The person may request an administrative review on the cancellation of his or her hazardous materials endorsement. The issues for the administrative review are limited to whether:

(a) When required, the person completed and passed a TSA security check as described in section (2) of this rule; or

(b) DMV received a notice from TSA showing the person does not qualify for a hazardous materials endorsement; and

(c) Whether the person is the same person named on the notice.

(9) When the results of the TSA security check are received, DMV will update the person's driving record to indicate the results of the security check and whether a hazardous materials endorsement was issued or denied.

(10) An applicant for an Oregon CDL with a hazardous materials endorsement who presents a valid CDL with a hazardous materials endorsement issued by another state must still qualify for an original hazardous materials endorsement as set forth in this rule, including but not limited to a TSA security check. DMV will accept a TSA security clearance that has been conducted within one year of issuance of the Oregon CDL.

(11) When DMV cancels a CDL with a hazardous materials endorsement because the person fails to complete or pass a security check, if the applicant passes a security check within one year from the date of the cancellation and otherwise qualifies for the endorsement, DMV will reissue the CDL with a hazardous materials endorsement at no charge. If the cancellation has been in effect for more than one year, the person must reapply for the hazardous materials endorsement as an original endorsement and must take all required tests, pay all required fees and pass the required security check.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.173

Stats. Implemented: ORS 807.170, 807.173, 807.350, 809.310, 49 USC sec. 5103a

Hist.: DMV 3-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 13-2005, f. 5-19-05, cert. ef. 5-31-05; DMV 18-2005(Temp), f. & cert. ef. 8-18-05 thru 2-13-06; DMV 26-2005, f. & cert. ef. 12-14-05; DMV 7-2006(Temp), f. 7-31-06, cert. ef. 8-1-06 thru 1-27-07; DMV 8-2006, f. & cert. ef. 8-25-06

### 735-062-0200

#### Conversion From Another Jurisdiction's Commercial Driver License

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will require an applicant for a commercial driver license in this state who currently holds a CDL issued by another jurisdiction to:

(a) Take and pass the Class C knowledge test and a vision screening; and

(b) Take and pass the pre-trip inspection, drive test and knowledge test required, if the person applies for a higher class license.

(2) DMV may waive the drive tests or knowledge tests, except the Class C knowledge test and the hazardous materials endorsement

knowledge test, if the applicant applies for a license equal to the CDL the applicant has been issued by another jurisdiction and the CDL has not been expired for more than one year.

(3) DMV may require any applicant to take a knowledge or drive test prior to issuing a CDL.

(4) When a person has surrendered his or her Oregon CDL to obtain a CDL from another jurisdiction, DMV may replace or renew the Oregon CDL without requiring a drive test or knowledge test if:

(a) The applicant has moved back to Oregon and can provide proof of residence address in Oregon; and

(b) The Oregon CDL is not currently expired, or if expired, has not been expired for more than one year. Rather than issue a replacement CDL, DMV will renew the Oregon CDL if it is due to expire within the next four months.

(5) DMV will not renew an Oregon CDL unless the applicant meets the requirements of OAR 735-062-0090 and 735-074-0290.

(6) DMV will submit an inquiry through the Commercial Driver License Information System (CDLIS) and the National Driver Register (NDR)/ Problem Driver Pointer System (PDPS) before issuing, replacing or renewing an Oregon CDL. DMV will not issue, replace or renew an Oregon CDL if the inquiry shows:

(a) The applicant has a current and valid CDL, issued by another jurisdiction unless the CDL is surrendered to DMV or the applicant certifies it has been lost or destroyed;

(b) The applicant's driving privileges are suspended, revoked or canceled in another jurisdiction; or

(c) The applicant is disqualified from operating a commercial motor vehicle in another jurisdiction.

(7) The driving record of the applicant from another jurisdiction will become a part of the Oregon driving record as provided in OAR 735-062-0210.

(8) A person whose driving privileges have been suspended, revoked, or canceled in another jurisdiction or who has been disqualified from operating a commercial motor vehicle in another jurisdiction, must be eligible for valid driving privileges in the other jurisdiction before an Oregon CDL may be issued. When the person is eligible for valid driving privileges in the other jurisdiction, he or she may ask that DMV check CDLIS and NDR/PDPS to verify the eligibility.

Stat. Auth.: ORS 184.616, 184.619, 807.045, 807.050 & 807.070

Stat. Implemented: ORS 807.045

Hist.: MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1992, f. & cert. ef. 10-16-92; MV 12-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0015; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 4-2007, f. 5-24-07, cert. ef. 6-5-07

### 735-062-0210

#### Transfer of Driver Records from Other Jurisdictions

When the driving record from another jurisdiction becomes part of the person's Oregon driving record under ORS 802.200(10)(e) the following will apply:

(1) Any convictions from the other jurisdiction's driving record shall be transferred to the person's Oregon driving record using the AAMVAnet Code Dictionary (ACD).

(2) Each driving record entry transferred shall have the same force and effect as though entered originally on the driver's record by this state.

Stat. Auth.: ORS 184.616, 184.619, 802.200, 802.540, 807.040, 807.045, 807.050, 807.060, 807.070, 807.150, 807.170 & 809.310

Stats. Implemented: ORS 802.200

Hist.: MV 6-1990, f. & cert. ef. 4-2-90; MV 14-1992, f. & cert. ef. 10-16-92; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0017

#### Driving Privileges for Persons with a Limited Vision Condition — Use of Bioptic Telescopic Lens

### 735-062-0300

#### Purpose

Chapter 277, Oregon Laws 2003 allows persons with a limited vision condition to gain limited driving privileges if certain criteria are met. The purpose of OAR 735-062-0300 through 735-062-0380 is to establish a program for the licensing of persons with a limited vision condition, specify requirements and qualifications needed for a person to be certified by DMV as a rehabilitation training specialist for purposes of training a person with a limited vision condition to use bioptic telescopic devices while driving, and to establish requirements for a certified rehabilitation training specialist to certify the competency of

a person with a limited vision condition to safely exercise driving privileges using a bioptic telescopic lens.

Stat. Auth.: ORS 184.616, 184.619 & Sec. 5, Ch. 277. OL 2003

Stat. Implemented: Ch. 277, OL 2003

Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

### 735-062-0310

#### Definitions

The following definitions apply to OAR 745-062-0300 through 735-062-0380:

(1) "Bioptic telescopic lens" means an optical system used to magnify distant objects by including a small telescope that is mounted in or above a spectacle lens in a manner to allow an unobstructed view of the horizontal visual field through a person's normal distance corrective lens;

(2) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation;

(3) "Daylight hours" means the period of time from sunrise to sunset but does not include periods where adverse weather or other conditions significantly reduce visibility on the roadway;

(4) "Educational facility" includes any public school district, education service district, community college district, any facility for the deaf operated under ORS 346.010, the Hillcrest School of Oregon, MacLaren School for Boys, tribal schools, state and federal schools, public agencies, and any parochial, private-or home-school facility meeting the requirements of OAR 581-045-0535 and ORS 345.505.

(5) "Limited vision condition" means visual acuity in the better eye with best lens correction that is no better than 20/80 and no worse than 20/200.

(6) "Rehabilitation training program" means a program designed to train a person with a limited vision condition to use a bioptic telescopic lens while operating a motor vehicle.

(7) "Rehabilitation training specialist" or "specialist" means a person certified by the Department of Transportation to provide a rehabilitation training program;

(8) "Special limited vision condition learner's permit" means a permit issued by the department to a person with a limited vision condition that allows the person to enroll in a rehabilitation training program; and

(9) "TSD" means the Oregon Department of Transportation, Transportation Safety Division.

Stat. Auth.: ORS 184.616, 184.619 & Sec. 5, Ch. 277. OL 2003

Stat. Implemented: Ch. 277, OL 2003

Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

### 735-062-0320

#### Special Limited Vision Condition Learner's Permit

(1) DMV will issue a special limited vision condition learner's permit when:

(a) An applicant has submitted a report from a licensed vision specialist certifying that the person meets the visual standards set forth in Section 3, Chapter 277, Oregon Laws 2003, has been fitted with a bioptic telescopic lens mounted on or above a carrier lens, and would be aided by using a bioptic telescopic lens when operating a motor vehicle;

(b) An applicant submits proof to DMV that the person has been accepted and has enrolled in a rehabilitation training program with a specialist certified by DMV to train persons with a limited vision condition using a bioptic telescopic lens;

(c) An applicant has passed the knowledge test required under ORS 807.070(2); and

(d) An applicant pays a \$13 fee, as required by ORS 807.370(27).

(2) The special limited vision condition learner's permit will:

(a) Be valid for six months;

(b) Be in the form of a letter rather than a laminated card with picture;

(c) Specify that the applicant may only drive when accompanied by the specialist(s) named on the permit;

(d) Include the following restrictions:

(A) The applicant is restricted to driving on roads with a designated or posted speed of 45 miles per hour or lower; and

(B) Driving during daylight hours only; and

(e) Be mailed to the rehabilitation training program with which the applicant has enrolled.

(3) If a person discontinues the required training or fails to make satisfactory progress toward a Certificate of Competency, the specialist must notify DMV immediately with a recommendation to terminate or extend the person's training program.

(4) If the specialist's recommendation is to terminate the applicant's training program or the applicant withdraws from the program, DMV will cancel the special limited vision condition learner's permit issued to the applicant. If the permit is cancelled, the applicant must reapply for a new permit and satisfy all the requirements set forth in section (1) of this rule. Knowledge test scores remain valid for two years.

(5) If the specialist's recommendation is to extend the applicant's training program, DMV will re-issue a special limited vision condition learner's permit for an additional six-month period if the applicant provides proof of continued enrollment in a rehabilitation training program, as set forth in subsection (1)(b) of this rule, and pays a \$13 fee.

(6) A copy of the special limited condition learner's permit must be kept in the applicant's file at the school offering the rehabilitation training program.

Stat. Auth.: ORS 184.616, 184.619, 807.350 & Sec. 5, Ch. 277, OL 2003

Stat. Implemented: Ch. 277, OL 2003

Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04; DMV 31-2005, f. & cert. ef. 12-14-05

**735-062-0330  
Training Program for the Use of Biotopic Telescopic Lenses to Drive**

(1) The training program for a person issued a special limited vision condition learner's permit may consist of three parts: theoretical instruction; practical training in critical object or condition awareness skills and use of a biotopic telescopic device; and behind-the-wheel training while using a biotopic telescopic lens. The amount of training required is dependent upon the person's skill and will vary with driving experience and other factors. The specialist may determine which type of training is necessary and the number of hours required for each type, but except as provided in section (2) of this rule, must provide a minimum of six hours of practical training and 15 hours of behind-the-wheel training while using a biotopic telescopic lens to all limited vision condition drivers. No behind-the-wheel training can be conducted prior to the rehabilitation training program receiving the person's special limited vision condition learner's permit from DMV in the mail.

(2) Notwithstanding the minimum training requirements set forth in section (1) of this rule, a person who has never been issued a driver license must be provided a minimum of 30 hours theoretical training, six hours of practical training and 24 hours of behind-the-wheel training.

(3) Theoretical instruction may include but not be limited to the following:

- (a) Subject matter contained in the Oregon Driver's Manual;
- (b) Safe driving practices and traffic laws;
- (c) The "Search, Identify, Predict, Decide, Execute" (SIPDE) approach to perceptive driving;
- (d) Signs, signals, highway markings, and highway design features required for the safe operation of a motor vehicle;
- (e) Driving emergencies such as brake or tire failure, skidding, stuck accelerator, and running off the roadway;
- (f) Potential crash locations and situations such as intersections, hydroplaning, railroad crossing, multiple vehicle types in the traffic mix, and pedestrian traffic;
- (g) Occupant restraint usage;
- (h) Speeding as a major contributing factor in vehicle crashes;

and

- (i) Driver responsibility and accident reporting.

(4) Practical training must include, but not be limited to, passenger-in-car training that reinforces defensive driving skills, use of mirrors and blind spot checks, critical object or condition awareness (roadway characteristics, traffic control devices and other road users), proper and appropriate use of the biotopic telescopic lens system, and hazard perception skills. By the end of training the person will need to demonstrate the ability to change fixation in and out of his or her biotopic telescope effectively in one to two seconds or less per fixation, under stationary and dynamic conditions.

(5) Behind-the-wheel training must include demonstration, instruction and practice while using a biotopic telescopic lens, consisting of:

- (a) Stopping;
- (b) Starting;
- (c) Recognizing and responding appropriately to traffic control devices, roadway markings, pedestrians, vehicles and other changes in the driving environment;
- (d) Lane position;
- (e) Controlling speed;
- (f) Managing space around the vehicle by adjusting speed and position to avoid conflicts and reduce risk;
- (g) Turning, including right and left turns at protected and unprotected intersections;
- (h) Backing;
- (i) Parking;
- (j) How to enter, use and exit different types of intersections;
- (k) Safe and courteous driving behavior;
- (l) Driving in residential, business, light and heavy traffic situations; and
- (m) Dealing with the unexpected — road construction, emergency vehicles, etc.

Stat. Auth.: ORS 184.616, 184.619 & Sec. 5, Ch. 277, OL 2003

Stat. Implemented: Ch. 277, OL 2003

Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

**735-062-0340  
Qualifications to be Certified by DMV as a Rehabilitation Training Specialist**

DMV will certify a person to be a rehabilitation training specialist for the express purpose of training limited vision condition applicants using a biotopic telescopic lens when the applicant meets the following qualifications:

(1) Has successfully completed the following three courses approved by TSD:

- (a) Foundation of Traffic Safety Education;
- (b) Fundamentals of Behind-the-Wheel Instruction; and
- (c) Fundamentals of Classroom Traffic Safety Instruction;

(2) Has either:

(a) A current valid certification by DMV as a commercial driver training instructor; or

(b) Approval by TSD as an educational facility traffic safety education instructor;

(3) Is currently employed by or works as an independent contractor for either:

(a) A DMV certified drive school operator that offers or proposes to offer a driver training program for persons with a limited vision condition who use a biotopic telescopic lens; or

(b) An education facility that offers or proposes to offer a driver training program for persons with a limited vision condition who use a biotopic telescopic lens.

(4) Has a minimum of 1000 hours of experience conducting behind-the-wheel driver training; and

(5) Has enrolled in and successfully completed either:

(a) A DMV sponsored or approved course that addresses how to screen, train and assess the driving potential of persons with a limited vision condition who use a biotopic telescopic lens; or

(b) A DMV approved training program with a certified rehabilitation training specialist or an equivalent specialist in another state that includes at least 20 hours of observation and learning experiences in how to screen, train and assess the driving potential of persons with a limited vision condition who use a biotopic telescopic lens.

(6) If the person has been previously certified as a rehabilitation training specialist, but that certification is canceled, the person is not eligible for re-certification for three years after the effective date of the cancellation.

Stat. Auth.: ORS 184.616, 184.619 & Sec. 5, Ch. 277, OL 2003

Stat. Implemented: Ch. 277, OL 2003

Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

**735-062-0350  
Rehabilitation Training Specialist Certificates**

DMV will issue a certificate to a person DMV certifies as a rehabilitation training specialist.

(1) The certificate will:

(a) Include the name of the school for which the specialist is an instructor;

(b) Be valid for the calendar year in which it is granted;

- (c) Include a unique certification number; and
  - (2) If the person's is certified as a commercial driver training instructor and that certificate is suspended, revoked, or not renewed for any reason, the same action will apply to the person's rehabilitation training specialist certificate.
  - (3) A specialist who is not a certified commercial driver training school instructor will lose certification as rehabilitation training specialist if that person is no longer approved by TSD.
  - (4) If the person is certified as a commercial driver training instructor that certificate will not be affected if the person's rehabilitation training specialist certificate is suspended for violation under OAR 735-062-0360.
  - (5) The rehabilitation training specialist certificate must be displayed in the school business location. A copy of the certificate must be kept in the rehabilitation specialist file maintained by the school.
- Stat. Auth.: ORS 184.616, 184.619 & Sec. 5, Ch. 277, OL 2003  
 Stat. Implemented: Ch. 277, OL 2003  
 Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

**735-062-0360**

**Regulation of Rehabilitation Specialists and Programs Offered**

DMV will regulate a person certified as a rehabilitation training specialist as well as the training program that the specialist provides to persons issued a special limited vision condition learner's permit.

- (1) DMV may, without prior notice, send a representative to observe any part of the training given by a specialist to a person with a limited vision condition who uses a bioptic telescopic lens. If DMV determines that the training provided does not meet the requirements of OAR 735-062-0330 DMV may:
  - (a) Issue a written warning describing areas that must be improved within 30 days or the rehabilitation training specialist certificate will be suspended until improvement is made; or
  - (b) Require the person to attend more training on the usage of bioptic telescopic lens for driving, within three months, in order to retain the rehabilitation training specialist certificate.
- (2) The specialist must provide records to the school for a driver with telescopic lens to be retained as required for any other student of the commercial driver training school or educational facility.
- (3) A specialist must not provide behind-the-wheel training to the person with a limited vision condition until the person's special limited vision condition learner's permit is received. A failure to comply with the restriction of the special limited vision condition learner's permit will result in the sanctioning of the rehabilitation training specialist certificate as follows:

- (a) A 30-day suspension for the first offense;
  - (b) A 60-day suspension for the second offense within a three year period; and
  - (c) Cancellation for the third offense within a three year period.
- (4) Failure to comply with OAR 735-062-0320(6), 735-062-0350(5), or 735-062-0360(2) will result in:
- (a) For a first offense a written warning;
  - (b) For a second offense a suspension of the rehabilitation specialist certificate for five days;
  - (c) For a third offense a suspension of the rehabilitation driver training specialist certificate for 30 days.

(5) If a limited vision condition applicant is unable to pass a DMV drive test in two attempts, DMV may question the validity of the Certificate of Competency issued by the specialist. DMV may require the specialist to accompany the applicant and a DMV representative on a drive. If the applicant clearly does not demonstrate driving ability to be issued a Certificate of Competency as described in OAR 735-062-0370, DMV may suspend the rehabilitation specialist certificate until the specialist can show that he or she has attended additional specific instruction in the training of limited vision condition drivers using a bioptic telescopic lens deemed acceptable by DMV or the emphasis of the training has changed to properly train a limited vision condition driver.

Stat. Auth.: ORS 184.616, 184.619 & Sec. 5, Ch. 277, OL 2003  
 Stat. Implemented: Ch. 277, OL 2003  
 Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

**735-062-0370**

**Issuance of Certificate of Competency**

(1) Before DMV will issue a driver license or driver permit to a person with a limited vision condition, a specialist must issue a Cer-

tificate of Competency showing the person has successfully completed a rehabilitation training program.

(2) To issue a Certificate of Competency, the specialist must certify the person:

- (a) Has successfully completed a rehabilitation training program;
- (b) Has demonstrated the physical, mental and social driving skills necessary to safely operate a motor vehicle in a manner that does not increase the likelihood of hazard or collision under the restricted driving conditions allowed for a driver with a limited vision condition; and
- (c) Is able to effectively use the bioptic telescopic lens for visual assistance in safely operating a motor vehicle.

Stat. Auth.: ORS 184.616, 184.619 & Sec. 5, Ch. 277, OL 2003  
 Stat. Implemented: Ch. 277, OL 2003  
 Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

**735-062-0380**

**Issuance of a Permit or Driver License to a Person with a Limited Vision Condition**

When a person has completed the rehabilitation training program, and has received a certificate of competency from the specialist who conducted the person's training, the person may apply to DMV for an instruction permit or a driver license. The person must meet all applicable requirements, except the vision test, to obtain an instruction permit or driver license.

(1) DMV will conduct a drive test, according to OAR 735-062-0070, except that no test route will include a road that has a designated speed or speed limit greater than 45 miles per hour, for any limited vision condition applicant who wishes to be issued a driver license. DMV will issue a license if the drive test is passed and issuance fees are paid.

(2) DMV will restrict a driver license or instruction permit issued to a limited vision condition applicant as follows:

- (a) Driving during daylight hours only;
  - (b) Driving on highways with a designated speed or speed limit not greater than 45 miles per hour; and
  - (c) The person must wear bioptic telescopic lens device while driving.
- (3) An instruction permit allows the person to operate a motor vehicle only when accompanied by a licensed driver at least 21 years of age.

Stat. Auth.: ORS 184.616, 184.619 & Sec. 5, Ch. 277, OL 2003  
 Stat. Implemented: Ch. 277, OL 2003  
 Hist.: DMV 15-2004, f. 6-24-04, cert. ef. 7-1-04

**DIVISION 63**

**OREGON WAIVER OF PHYSICAL DISQUALIFICATION**

**735-063-0070**

**Oregon Waiver of Physical Disqualification**

(1) Possession of a Waiver of Physical Disqualification issued by DMV to the holder of a commercial driver license who only operates commercial motor vehicles in intrastate commerce is subject to the procedures, conditions and limitations set forth in this rule.

(2) Definitions:

- (a) "Accident/conviction records" are records used to establish when a medical waiver issued by DMV may be denied or suspended. These include, but are not limited to DMV records, police reports, crash reports or other reports from motor carriers.
- (b) "Conditions requiring waiver" are as provided in Title 49, CFR Sections 391.41 through 391.49;
- (c) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation;
- (d) "Waiver Guidelines" are those criteria maintained by, and available from, DMV as provided for by a licensed health care professional under contract with the Department of Transportation, the Medical Determination Officer or the State Health Officer.

(3) Waiver conditions and procedures include:

(a) When an intrastate driver of a commercial motor vehicle (CMV) does not qualify for a Skill Performance Evaluation Certificate or exemption pursuant to Title 49, CFR Sections 391.41 through 391.49 or Title 49 CFR Sections 381.300 to 381.330, the driver may make application to DMV for an Oregon Waiver of Physical Disqualification;

(b) Applications for waiver shall be accompanied by a completed waiver application form and other information as required by DMV, including a current USDOT physical examination form completed by a licensed health care professional;

(c) All waivers and requests for waivers shall be subject to review by a licensed health care professional under contract with the Department of Transportation, the Medical Determination Officer or the State Health Officer; and

(d) DMV may make an inquiry, review, or investigation of an applicant or current waiver holder's driving record, both commercial and noncommercial, at any time and it may use its findings as a basis for denial of a waiver or for suspension or permanent revocation of an existing waiver as specified in OAR 735-063-0075. Subject information shall include but not be limited to:

- (A) Accident/conviction record;
- (B) Crash information; and
- (C) Any other information received regarding driving activities.

(e) If an inquiry, review or investigation of an applicant for, or current holder of, a driver's Waiver of Physical Disqualification is conducted under subsection (d) of this section and information is obtained that may be used as a basis for denial of waiver or for suspension or permanent revocation of an existing waiver, DMV may take action as follows:

(A) If no penalty order or cease and desist order has been entered against the applicant or current holder within the preceding five years for violations or other actions taken under subsection (d) of this section:

(i) When the record or other information being acted upon relates to non-commercial driving activities, DMV may deny or suspend an applicant's or holder's Waiver of Physical Disqualification for up to 180 days; and

(ii) When the record or other information being acted upon relates to commercial driving activities, denial or suspension of an applicant's or holder's Waiver of Physical Disqualification for up to one year.

(B) If a penalty order or cease and desist order has been entered against the applicant or current holder within the preceding five years for violations or other actions taken under subsection (d) of this section:

(i) When the record or other information being acted upon relates to non-commercial driving activities, DMV may deny or suspend a Waiver of Physical Disqualification for up to one year or permanently revoke or deny the Waiver of Physical Disqualification, as warranted by the circumstances of a particular case.

(ii) When the record or other information being acted upon relates to commercial driving activities, DMV may deny or suspend a Waiver of Physical Disqualification for up to two years or permanently deny or revoke the Waiver of Physical Disqualification, as warranted by the circumstances of a particular case.

(C) If a driver has been subject to action specified in subsection (d) of this section in the preceding 12 months:

(i) When the record or other information being acted upon relates to non-commercial driving activities, DMV may deny or suspend a Waiver of Physical Disqualification for up to five years or permanently deny or revoke the waiver as warranted by the circumstances of a particular case; and

(ii) When the record or other information being acted upon relates to commercial driving activities, DMV may permanently deny or revoke the Waiver of Physical Disqualification.

(4) Any driver issued a waiver shall:

(a) Notify DMV of any change in the driver's physical condition pertaining to the need for a waiver or any other condition which may require a waiver or waiver modification;

(b) Notify DMV of all crashes, arrests or convictions involving the use of a motor vehicle within 30 days of the crash or within 10 days of the arrest or conviction;

(c) Notify DMV of any suspension, revocation or withdrawal of driving privileges in a state other than Oregon;

(d) Notify DMV within 10 days of changing employers and provide the employer with a copy of the waiver;

(e) Carry a copy of the medical waiver and any listed waiver conditions at all times while operating a CMV and make the waiver and waiver conditions available to enforcement personnel upon request;

(f) Only operate a CMV in Oregon intrastate operations; and

(g) Comply with all of the waiver conditions.

(5) The waiver period shall not exceed the expiration date of the driver's medical certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 807.040, 807.150

Hist.: MCTB 4-2000, f. & cert. ef. 6-12-00; Renumbered from 740-100-0140, DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

### 735-063-0075

#### Suspension, Denial or Revocation of an Oregon Waiver of Physical Disqualification

(1) A holder of a Waiver of Physical Disqualification who violates any of the requirements set forth in OAR 735-063-0070(4), in addition to any other penalties authorized by law, shall be subject to suspension of the waiver for up to 180 days.

(2) DMV shall deny or revoke a Waiver of Physical Disqualification if DMV determines that applicant or holder does not qualify for the waiver.

Stat. Auth.: ORS 184.616, 184.619, 802.010

Stats. Implemented: ORS 807.040, 807.150

Hist.: MCTB 4-2000, f. & cert. ef. 6-12-00; MCTB 4-2001, f. & cert. ef. 11-9-01; Renumbered from 740-300-0140, DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

## DIVISION 64

### SPECIAL DRIVER PERMITS

#### 735-064-0005

##### Definitions

As used in Division 64 rules, unless the context requires otherwise:

(1) "AMH" means the Addictions and Mental Health Division of Oregon Department of Human Services.

(2) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(3) As used in this rule, "Domestic partner" means a person in a relationship with another person, each of whom:

(a) Is at least 18 years of age and capable or entering into a civil contract or, if 17, has the written consent of a parent or guardian to enter into the domestic partnership;

(b) Are not first cousins or any nearer kin to each other, whether of the whole or half blood, and whether by blood or adoption, except for first cousins by adoption only;

(c) Desires a relationship of marriage under Oregon law and would enter into marriage with the other person, and only with the other person, if Oregon law permitted such a marriage;

(d) Acknowledges and accepts financial obligations to the other person and to third parties similar to the financial obligations that arise by reason of a marriage recognized under Oregon law;

(e) Is not married and has no similar commitment and responsibility to any other person;

(f) Has continuously lived for six months with the other person in an exclusive relationship that each intends to maintain for the rest of their lives; and

(g) Has joint financial accounts and joint financial responsibilities.

(4) "DUII" means driving under the influence of intoxicants.

(5) "Family necessities" means driving to and from grocery shopping, driving a household member to and from work, driving the applicant or the applicant's children to and from school, driving the applicant's children to and from child care, driving to and from medical appointments and caring for elderly family members.

(6) "Fee" is an amount defined in ORS 807.370.

(7) "Hardship/probationary permit" means a restricted driving privilege issued to a person whose privilege is both suspended and revoked and who is required to install an IID due to a DUII suspension.

(8) "IID" means ignition interlock device.

(9) "Intoxicants" means intoxicating liquor, any controlled substance, any inhalant or any combination of the three.

(10) "Immediate family" means the applicant's spouse or domestic partner, children, stepchildren, brother, sister, mother, father, mother-in-law, father-in-law, grandmother or grandfather.

(11) "Oregon resident" means a person who is domiciled in this state as defined by ORS 803.355 or is a resident of this state as defined by ORS 807.062(4) and (5).

(12) "Private transportation" means family members, friends or fellow employees who are able to serve the applicant's transportation needs.

(13) "Public transportation" means bus, shuttle or commuter service that is able to serve the applicant's transportation needs.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.240 & 807.270

Stats. Implemented: ORS 807.240, 807.270 & 813.520

Hist.: DMV 12-1996, f. & cert. ef. 12-20-96; DMV 2-2001, f. & cert. ef. 1-17-01; DMV 15-2001, f. & cert. ef. 9-21-01; DMV 2-2006, f. & cert. ef. 2-15-06; DMV 17-2006, f. & cert. ef. 11-17-06

**735-064-0020**

**Who Can Apply for a Hardship or Probationary Permit**

(1) Any Oregon resident whose driving privileges are suspended may apply for a hardship permit unless the person's driving privileges are revoked for any reason or suspended under:

(a) ORS 25.780 for failure to pay child support because ORS 807.250(3) does not allow the issuance of a hardship permit;

(b) ORS 809.260 for court denial of juvenile driving privileges because a person suspended for this reason is eligible for an emergency driver permit per ORS 807.220(4);

(c) ORS 809.280(10) for a controlled substance conviction because ORS 807.250(2) does not allow the issuance of a hardship permit;

(d) ORS 809.419(1) for failure to appear for or pass required tests because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(e) ORS 809.419(2) for failure to obtain a required medical clearance because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(f) ORS 809.419(3) for a mental or physical condition because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(g) ORS 809.421(1) for habitual incompetence, recklessness or criminal negligence or committing a serious violation of the motor vehicle laws because ORS 809.421(1)(b) states this suspension is subject to any conditions the department determines necessary. The department has determined that a person suspended under this subsection shall not be issued a hardship permit;

(h) ORS 809.419(5) upon notification by the superintendent of a hospital because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(i) ORS 809.419(6) when a person charged with a traffic offense has been found guilty except for insanity because ORS 813.520 provides that no hardship permit may be issued if a person has a mental or physical condition that makes the person unsafe to drive a motor vehicle;

(j) ORS 813.400 and 813.403, and the person fails to install or use an IID in a vehicle(s) the person intends to operate, because under ORS 813.602(1)(a) an IID must be installed before the person is eligible for a hardship permit;

(k) ORS 809.280(5) or 809.416(1) for failure to appear in court, because ORS 807.250(4) does not allow the issuance of a hardship permit; or

(l) ORS 809.416(2) for failure to pay a fine or obey a court order, because ORS 807.250(4) does not allow the issuance of a hardship permit.

(2) DMV will not issue a hardship permit that authorizes a person to operate a commercial motor vehicle because ORS 807.240(2) does not allow the issuance of a hardship permit to drive a commercial motor vehicle.

(3) Any Oregon resident whose driving privileges are revoked as an habitual traffic offender may apply for a probationary permit unless the person's driving privileges are also revoked for any reason other than being an habitual traffic offender or are also suspended for any of the reasons listed in section (1) of this rule. DMV will not issue a probationary permit that authorizes a person to operate a commercial motor vehicle because ORS 807.270(4) does not allow the issuance of a probationary permit to drive a commercial motor vehicle.

Stat. Auth.: ORS 184.616, 184.619, 807.240, 807.252 & 807.270

Stats. Implemented: ORS 807.062, 807.240, 807.250, 807.270, 809.265, 809.380, 809.390, 809.419, 809.421, 813.500 & 813.602

Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0085; MV 12-1989, f. & cert. ef. 3-20-89; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 4-1999(Temp.), f. & cert. ef. 10-13-99 thru 4-9-00; DMV 1-2000, f. & cert. ef. 3-10-00; DMV 27-2001(Temp), f. 12-14-01, cert. ef. 1-1-02 thru 6-29-02; DMV 11-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 25-2003, f. 12-15-03 cert. ef. 1-1-04

**735-064-0030**

**Hardship/Probationary Permit Waiting Periods Following Implied Consent or DUII Suspensions**

Waiting periods for the issuance of a hardship/probationary permit following an implied consent or DUII suspension are listed in ORS 813.520. As used in ORS 813.520(9) a traffic crime means any traffic offense that is punishable by a jail sentence and includes:

(1) Reckless driving as defined in ORS 811.140;

(2) Failure to perform the duties of a driver involved in an accident or collision under ORS 811.700 or 811.705;

(3) Criminally driving while suspended or revoked, as defined under ORS 811.182;

(4) Fleeing or attempting to elude a police officer, as defined in ORS 811.540;

(5) Vehicular assault of bicyclist or pedestrian under ORS 811.060;

(6) Reckless endangerment of highway workers, as defined in ORS 811.231;

(7) False accident report under ORS 811.740;

(8) Knowingly violating an out-of-service notice under ORS 825.990(2); or

(9) A violation of ORS 825.990(3).

Stat. Auth.: ORS 184.616, 184.619, 807.240 & 807.270

Stats. Implemented: ORS 807.240, 807.270 & 813.520

Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0090; MV 28-1989, f. & cert. ef. 10-3-89; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 15-2002, f. & cert. ef. 8-26-02

**735-064-0040**

**Application Requirements for a Hardship or Probationary Permit**

(1) Documents required to obtain a hardship permit depend upon the reason(s) for the suspension. Documents required to obtain a probationary permit depend upon whether the applicant's driving privileges are also suspended and the reason for the suspension. An applicant must comply with any sections of this rule that apply to their suspension and/or revocation. All applicants must:

(a) Complete a Hardship/Probationary Application, Form 735-6044. This form is available at any DMV office and on the Internet at [www.oregondmv.com](http://www.oregondmv.com); and

(b) Pay the hardship or probationary permit fee and the reinstatement fee.

(2) An applicant whose driving privileges are suspended based upon a conviction for DUII, reckless driving, fleeing or attempting to elude a police officer or misrepresentation of age by a minor to purchase or consume alcohol must obtain the recommendation and signature of the convicting judge on the Hardship/Probationary Application form.

(3) An applicant who is suspended for two or more DUII convictions where the commission of the later offense and the conviction for a separate offense occurred within a five-year period must submit a recommendation for issuance of a hardship or probationary permit from a program approved by AMH.

(4) Unless driving privileges are suspended for a DUII conviction, an applicant for a hardship permit must submit an SR22 insurance certificate or other proof of financial responsibility as described in ORS 806.240. An applicant whose driving privileges are suspended for a DUII conviction, must submit an SR22 certificate as proof of financial responsibility that shows at least the minimum coverage amounts specified in ORS 806.075. An applicant for a probationary permit shall submit an SR22 insurance certificate if the applicant's driving privileges are suspended in addition to the habitual traffic offender revocation.

(5) An applicant for a probationary permit must submit to DMV a medical report form or a report on the Hardship/Probationary Permit Application (form 735-6044), completed by a licensed physician showing to the satisfaction of the State Health Officer that the applicant has no medical condition or impairment that makes it unsafe for the applicant to operate a motor vehicle.



(6) An applicant for a probationary permit must submit verification of the successful completion of a driver improvement course approved by DMV. Names of approved courses can be obtained by calling DMV.

(7) An applicant must provide the following information, depending upon the driving privileges sought:

(a) An applicant who is required to drive for employment purposes must provide the routes, counties, days and times the applicant is required to drive. In addition, this information must be supported by any of the following that apply:

(A) The applicant must submit a letter from the applicant's employer in order to verify the hours of work and the need for on the job driving;

(B) The applicant must submit proof of self-employment. Acceptable proof includes a copy of a business license, business tax statement, newspaper advertisement or business receipts; and

(C) The applicant must provide the days, hours and counties for seeking employment.

(b) An applicant who needs to drive to attend an alcohol or drug treatment or rehabilitation program must provide the name and address of the program, routes, days and times the applicant is required to drive to and from the program;

(c) An applicant for a hardship permit who needs to drive to receive medical treatment on a regular basis for himself or herself or a member of the person's immediate family, must provide the name and address of the medical treatment facility, routes, days and times the applicant is required to drive to receive medical treatment on a regular basis for the person or a member of the person's immediate family. The applicant must submit a signed statement from the physician or certified nurse practitioner treating the person or the person's immediate family member, advising of the need for medical treatment on a regular basis. The statement must include how often the treatment is required and hours of the day and days of the week treatment is available. Actual appointment times are subject to verification by DMV and law enforcement;

(d) An applicant for a hardship permit whose driving privileges are suspended for violation of ORS 165.805, 471.430, or 806.010, is eligible to request driving privileges for family necessities. The applicant must provide the name and address of the person to whom or facility to which the applicant is driving for the family necessity, routes, days and times the applicant is required to drive for family necessities, as defined in OAR 735-064-0005.

(8) Applicants may submit documents to DMV as they meet requirements. DMV, however, will not issue the hardship or probationary permit until all required documents are received and processed by DMV, Driver Suspensions Unit.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.240 & 807.270  
 Stats. Implemented: ORS 807.240, 807.250, 807.270, 807.370, 813.500, 813.510  
 Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0095; MV 29-1989, f. & cert. ef. 10-3-89; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 14-2005, f. & cert. ef. 5-19-05; DMV 2-2006, f. & cert. ef. 2-15-06

**735-064-0060 Standards for Issuance of Hardship or Probationary Permits**

(1) All hardship or probationary permits shall be restricted to minimally meet the applicant's needs. Upon request, the permit holder shall be required to submit verification to DMV and/or law enforcement.

(2) DMV may issue hardship and probationary permits only for the following purposes:

- (a) Occupational and employment purposes;
- (b) Occupational training or education that is required by the applicant's employer;
- (c) Transportation to and from an alcohol or drug treatment or rehabilitation program; and
- (d) To look for work.

(3) Hardship permits may also be issued for the following reasons:

(a) To obtain medical treatment on a regular basis for the person or a member of the person's immediate family; and

(b) Family necessities only if the person's driving privileges are suspended for violation of ORS 165.805, 471.430 or 806.010, to provide necessary service to the person or a member of the person's immediate family.

vide necessary service to the person or a member of the person's immediate family.

(4) A hardship or probationary permit will not be issued for more than 12 hours of driving on any one day, except for transportation to and from an alcohol or drug treatment or rehabilitation program.

(5) A hardship or probationary permit issued to look for work will be restricted to 12 hours per day, seven days per week. It will not be issued for a period of more than 120 days at a time.

(6) DMV may deny a hardship or probationary permit to an applicant who has public or private transportation available which is sufficient to serve the applicant's transportation needs as established in sections (2) and (3) of this rule.

(7) DMV will determine whether public or private transportation is sufficient to serve the applicant's need based upon the following criteria:

- (a) Convenience in terms of hours and distance;
- (b) Requirements of occupation;
- (c) Physical limitations of applicant; and
- (d) Personal safety of applicant.

(8) If the applicant is suspended for two or more reasons, the applicant must satisfy the requirements for each type of suspension.

(9) If the applicant is revoked as a habitual traffic offender and the applicant's driving privileges are also suspended, the applicant must satisfy all hardship permit requirements for each suspension in addition to the probationary permit requirements.

(10) Notwithstanding section (2) of this rule, DMV will not issue a hardship or probationary permit that authorizes a person to drive a commercial motor vehicle.

Stat. Auth.: ORS 184.616, 184.619, 807.240, 807.252 & 807.270  
 Stats. Implemented: ORS 25.780, 807.062, 807.240, 807.250, 807.270, 809.265, 809.380, 809.390, 809.409-423, 813.500 & 813.602  
 Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0105; MV 17-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 25-2003, f. 12-15-03 cert. ef. 1-1-04

**735-064-0070 Ignition Interlock Device (IID) Requirement for Issuance of Hardship or Probationary Permits**

(1) DMV will require a person convicted of DUII in an Oregon court to have an IID installed in any vehicle the person operates if the person's driving privileges are currently suspended for the DUII conviction or are suspended for failure to install an IID at the end of the DUII suspension, and the person applies for a hardship permit. The IID will be required before a hardship permit is issued.

(2) DMV will issue a hardship/probationary permit if a person's driving privileges are revoked as a habitual offender and are also suspended for a DUII conviction in an Oregon court. It will be a condition of a hardship/probationary permit that a person install, maintain or use an IID while the person's driving privileges are suspended for the DUII conviction and for the six months following the ending of the DUII suspension. The IID will be required before a hardship/probationary permit is issued.

(3) While a DUII suspension or a suspension for failure to install an IID remains in effect, DMV will require an IID to be installed, maintained and used as long as the person has a valid hardship or hardship/probationary permit.

(4) When installation of an IID is required, DMV will not issue a hardship or hardship/probationary permit to the person until the installer submits an installation report form showing an approved device has been installed in the person's vehicle. The installer or designee of the IID manufacturer, who installed the device, must sign the installation report form.

(5) For purposes of ORS 813.606, DMV will place a notation on the driving record that the person's employer has been informed of the IID requirement in the hardship or hardship/probationary permit issued to the person. DMV must receive a letter on business letterhead, signed by the employer, stating that the employer has been informed of the IID requirement and that the person is required to operate the employer's vehicle(s) in the course of employment; or an Employer IID Exemption, (DMV form 735-6874) submitted by the employer.

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

(7) A person may operate a vehicle(s) without an IID, if the person is medically unable to operate a vehicle equipped with an IID and is granted a medical exemption from the IID requirement. To apply for medical exemption the person must submit:

(a) A written, signed statement from an IID installer stating the installer is unable to adapt an IID to accommodate usage by the person because of the person's medical condition; and

(b) A written, signed statement from the person's medical doctor, doctor of osteopathy, physician assistant or nurse practitioner containing the following information:

(A) The name of the exempting medical condition;

(B) Whether the condition is temporary or permanent and if temporary, when condition will no longer prevent usage of an IID; and

(C) Whether the exemption is required because the condition results in the inability to sustain an exhaled breath sampling of five pounds of pressure for five seconds required to operate the device or results in a ketone level in the person's breath which will not allow the driver to successfully complete the test.

(8) When application for a medical exemption is made under section (7) of this rule and approved by DMV, DMV shall issue a medical exemption letter. The person shall carry a copy of DMV's medical exemption letter while operating any motor vehicle which would otherwise require installation and use of an IID.

(9) DMV will include information in the hardship or hardship/probationary permit restriction that the person shall only operate vehicles equipped with an IID. If the person operates a vehicle owned or leased by the person's employer in the course of employment or has been issued a medical exemption, the hardship or hardship/probationary permit driving restrictions shall include that the person must have in his or her possession a copy of the employer's letter or Employer IID Exemption Form from his or her employer, or medical exemption letter.

(10) In order for the person to have the IID periodically checked or maintained, DMV will include in the hardship or hardship/probationary permit driving restriction sufficient time for the person to travel to and from the installation facility.

Stat. Auth.: ORS 184.616, 807.240, 807.270 & 813.602

Stats. Implemented: ORS 807.240, 807.270 & 813.602

Hist.: MV 40-1987, f. 12-11-87, ef. 1-1-88; Administrative Renumbering 3-1988, Renumbered from 735-031-0107; MV 18-1989(Temp), f. 8-31-89, cert. ef. 9-5-89; MV 2-1990, f. & cert. ef. 2-1-90; MV 4-1991, f. 6-18-91, cert. ef. 7-1-91; DMV 5-1994, f. & cert. ef. 7-21-94; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 15-2001, f. & cert. ef. 9-21-01

### 735-064-0080

#### How the Hardship or Probationary Permit Is Issued

(1) DMV will mail a hardship or probationary permit to the address the applicant submitted on his or her Hardship/Probationary Permit Application when all of the documents are received by the Driver Suspensions Unit and a hardship or probationary permit is approved. The applicant then must take the hardship or probationary permit to any DMV field office to have a restricted driver license issued.

(2) The hardship or probationary permit will contain restrictions and is part of the driver license. The person will carry the hardship or probationary permit in addition to a valid driver license at all times while driving.

(3) A hardship or probationary permit is valid for the length of the suspension or revocation period unless it is suspended or revoked pursuant to OAR 735-064-0110.

Stat. Auth.: ORS 184.616, 807.240 & 807.270

Stats. Implemented: ORS 807.240 & 807.270

Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0110; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 4-2002, f. & cert. ef. 3-14-02

### 735-064-0085

#### The Transition of Probationary Permit Length

Prior to the amendment of ORS 807.270 by Oregon Laws 2001, Chapter 294, Section 2, DMV issued probationary permits that were valid for one year and had to be renewed. ORS 807.270 now authorizes issuance of nonrenewable probationary permits that are valid for the duration of the habitual offender revocation period, unless the permit is suspended or revoked by DMV. This rule sets forth the procedures for converting a probationary permit issued prior to January 1, 2002, to a nonrenewable probationary permit.

(1) For a probationary permit scheduled to expire on or after January 1, 2002, DMV will automatically convert the permit to a nonrenewable probationary permit. DMV will change the ending date of the permit on the driver record to correspond to the ending date of the habitual offender revocation, and will issue and mail to the permit holder a new permit with an ending date of the permit changed to correspond to the ending date of the habitual offender revocation. The non-renewable probationary permit will be valid for the duration of the habitual offender revocation period unless it is suspended or revoked.

(2) For a probationary permit that has been expired for less than one year and is not renewed prior to January 1, 2002, upon the request of the permit holder DMV will convert the permit to a nonrenewable probationary permit. The permit holder may make this request by completing and returning the renewal notice sent to them or by mailing a written request to DMV headquarters, at 1905 Lana Avenue NE, Salem, Oregon 97314. The written request must include the permit holder's complete name, Oregon Driver License number, date of birth and a request to convert the probationary permit to a nonrenewable probationary permit. DMV will process the request and send a new probationary permit to the permit holder that includes an ending date corresponding to the ending date of habitual offender revocation. DMV will also change the ending date of the permit on the person's driving record to correspond to the ending date of the habitual offender revocation. The probationary permit will be valid for the duration of the habitual offender revocation period unless it is suspended or revoked. DMV will charge no fee for this conversion to a nonrenewable probationary permit under this section.

(3) A permit holder who requests renewal of a probationary permit that has been expired for more than one year must re-apply for a new probationary permit and fulfill all requirements set forth in OAR 735-064-0040. A probationary permit issued under this section will be valid for the duration of the habitual offender revocation period unless it is suspended or revoked.

Stat. Auth.: ORS 184.616, 184.619 & 807.270

Stats. Implemented: ORS 807.240 & 807.270

Hist.: DMV 4-2002, f. & cert. ef. 3-14-02

### 735-064-0090

#### How to Change the Hardship or Probationary Permit Driving Restrictions

(1) When the person needs to change the driving restrictions on a hardship or probationary permit, the person must submit a Hardship/Probationary Application or a letter with new information to the Driver Suspensions Unit, DMV, 1905 Lana Avenue N.E., Salem, Oregon 97314.

(2) The person must submit verification of employment as required by OAR 735-064-0040(7)(a)(A), if the change requested is employment related.

(3) The person who is suspended for two or more DUII convictions where the commission of the later offense and the conviction for a separate offense occurred within a five-year period must submit a recommendation for the change from a program approved by AMH.

(4) The person who is eligible to drive to and from medical treatment as described in OAR 735-064-0040(7)(c), must submit a signed statement from the physician as required in OAR 735-064-0040(7)(c).

(5) After the requirements of sections (1), (2), (3) and (4) of this rule have been met, DMV will mail the applicant a hardship or probationary permit with new driving restrictions. The person must carry the hardship or probationary permit in addition to a valid driver license at all times while driving.

Stat. Auth.: ORS 184.616, 802.010, 807.240 & 807.270

Stats. Implemented: ORS 807.240, 807.270 & 813.500

Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0115; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 2-2006, f. & cert. ef. 2-15-06

### 735-064-0100

#### Hardship or Probationary Permit Restrictions

(1) A person issued a hardship or probationary permit must not do any of the following:

(a) The person must not drive outside the hardship or probationary permit driving restrictions;

(b) The person must not be convicted of or forfeit bail for more than one traffic offense listed in ORS 809.600(2)(b) (including city

traffic offenses and similar offenses under federal or state law) within any 12-month period. See OAR 735-064-0220 for a list of offenses and statutory references;

(c) The person must not be convicted of or forfeit bail for an offense as specified in ORS 809.600(1)(a) through (f). These offenses are: murder, manslaughter, criminally negligent homicide, assault, recklessly endangering another person, menacing, or criminal mischief resulting from the operation of a motor vehicle; reckless driving, driving while under the influence of intoxicants, failure to perform the duties of a driver involved in an accident or collision, criminal driving while suspended or revoked, fleeing or attempting to elude a police officer;

(d) The person must not use intoxicants and drive;

(e) The person must not refuse to submit to a chemical breath test, blood test or urine test;

(f) The person must not be convicted of or forfeit bail for an offense under ORS 811.170; or

(g) The person must not falsify any information appearing on the Hardship/Probationary Application.

(2) The person required to have an IID must not violate the following provisions:

(a) Drive any vehicle which does not have an IID installed unless exempted by statute and administrative rule;

(b) Drive an employer's owned or leased vehicle without an IID unless the person is carrying a copy of an employer's exemption letter, Employer IID Exemption form or medical exemption letter in his or her possession;

(c) Tamper with the IID or remove it from the vehicle; or

(d) Solicit another person to blow into the IID.

(3) The person must maintain any required recommendation from a program approved by AMH and the court recommendation for a hardship or probationary permit during the term of the hardship or probationary permit.

(4) Evidence that a restriction has been violated includes, but is not limited to the following:

(a) Police reports;

(b) Accident reports;

(c) Reports from rehabilitation/treatment agencies;

(d) Written reports from family members or the general public;

(e) An official report which indicates the person has driven outside the hardship or probationary permit restrictions;

(f) An official report which indicates the person has been driving after using intoxicants;

(g) Receipt of a copy of a report from a police officer that indicates the person has refused the chemical breath test, blood test or urine test following an arrest for driving under the influence of intoxicants;

(h) An official report from a police officer;

(i) A court conviction; and

(j) A written, signed statement from an approved IID installer.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.270 & 813.510

Stats. Implemented: ORS 807.240, 807.270, 813.100, 813.510, 813.602, 813.608, 813.610, 813.612, & 813.614

Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0120; MV 30-1989, f. & cert. ef. 10-3-89; DMV 4-1994, f. & cert. ef. 7-21-94; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 2-2006, f. & cert. ef. 2-15-06

### 735-064-0110

#### Consequences of Violations of Restrictions, Conditions, Limitations or Requirements of a Hardship or Probationary Permit

(1) DMV will revoke a person's hardship or probationary permit when a person commits a violation of any of the restrictions, conditions, limitations or requirements of a hardship or probationary permit as listed in OAR 735-064-0100, except as provided in section (2) of this rule.

(2) When a program approved by AMH, withdraws a required recommendation under ORS 813.500:

(a) Upon first withdrawal of the recommendation, DMV will suspend the hardship or hardship/probationary permit until the ending date of the DUI suspension or until the driver obtains a new recommendation, whichever is sooner; and

(b) Upon a second withdrawal of the recommendation, DMV will revoke the hardship or hardship/probationary permit.

(3) The person whose hardship permit is revoked will not be eligible for another hardship permit during the suspension period or for one year from the date of revocation, whichever is shorter.

(4) The person whose probationary permit is revoked will not be eligible for another probationary permit for one year from the date of the revocation of the probationary permit.

(5) A person whose hardship or probationary permit is revoked based on a notice from a court as specified in ORS 809.140, is entitled to an administrative review under ORS 809.440(2). The revocation will remain in effect pending the outcome of the administrative review.

(6) A person whose hardship or probationary permit is revoked based on information other than that described in ORS 809.140, is entitled to a contested case hearing under ORS 183.310 to 183.550. The revocation will remain in effect pending the outcome of the hearing.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.270 & 813.510

Stats. Implemented: ORS 807.240, 807.270, 813.500 & 813.510

Hist.: MV 7-1984, f. 6-29-84, ef. 7-1-84; MV 17-1986, f. & ef. 10-1-86; MV 12-1987(Temp), f. 9-16-87, ef. 9-27-87; MV 31-1987, f. & ef. 10-5-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0125; MV 4-1991, f. 6-18-91, cert. ef. 7-1-91; MV 17-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 5-1995, f. & cert. ef. 3-9-95; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 4-2002, f. & cert. ef. 3-14-02; DMV 2-2006, f. & cert. ef. 2-15-06

### 735-064-0220

#### Traffic Offenses Used in Habitual Offender, Driver Improvement, CMV Serious Violations and Hardship/Probationary Driver Permit Programs

(1) A conviction for an offense listed in this rule counts toward:

(a) The Habitual Offender Program pursuant to ORS 809.600(2);

(b) The Provisional and Adult Driver Improvement Programs outlined in OAR chapter 735, division 72;

(c) Motor vehicle traffic control violations connected to a fatal accident as defined in ORS 801.477(9) that can lead to a suspension of commercial motor vehicle driving privileges;

(d) Revocation of a probationary driver permit pursuant to ORS 807.270(7); and

(e) Revocation of a hardship permit pursuant to OAR 735-064-0100 and 735-064-0110.

(2) This section lists the offenses and the statutory citations for Oregon offenses used in the programs identified in section (1) of this rule: [Table not included. See ED. NOTE.]

(3) Offenses from other states may be posted to driver records using an AAMVAnet Code Dictionary (ACD) code. This section identifies the code that appears on the driver record, a description of the offense and the ORS reference covering an equivalent offense(s) for Oregon: [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 809.480 & 809.605

Stats. Implemented: ORS 807.240, 807.270, 809.480, 809.600(2) & 809.605

Hist.: MV 17-1986, f. & ef. 10-1-86; MV 33-1987, f. & ef. 11-2-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0180; MV 32-1989, f. & cert. ef. 10-3-89; MV 7-1990, f. & cert. ef. 5-16-90; MV 18-1991, f. 9-18-91, cert. ef. 9-29-91; MV 26-1991, f. & cert. ef. 11-18-91; DMV 8-1995, f. & cert. ef. 6-19-95; DMV 5-1997, f. & cert. ef. 2-20-97; DMV 8-1998, f. & cert. ef. 6-19-98; DMV 27-2001(Temp), f. 12-14-01, cert. ef. 1-1-02 thru 6-29-02; DMV 11-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 33-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 4-2004, f. & cert. ef. 2-23-04; DMV 21-2005(Temp), f. 9-19-05, cert. ef. 10-1-05 thru 3-29-06; DMV 28-2005, f. & cert. ef. 12-14-05

### 735-064-0230

#### Emergency Driver Permit

(1) An emergency driver permit authorizes operation of only those vehicles that the holder of a Class C driver license may operate, and does not include operation of any vehicle for which a commercial driver license is required or operation of a motorcycle.

(2) DMV will issue an emergency driver permit to a person between 14 and 18 years of age for an emergency situation only, and not for convenience.

(3) An emergency situation includes, but is not limited to, the need for a person to drive to and from:

(a) Medical treatment for the person or a member of the person's immediate family when no other means of transportation is available;

(b) Work or on the job when no other transportation is available and the person's employment is essential to the welfare of the person's family;

(c) Work or on the job when the person's employment is necessary to help harvest crops that may go unharvested or be lost if the person is unable to drive;

(d) Grocery stores when no other means of transportation is available; and

(e) To and from school when no other means of transportation is available if an emergency driver permit is issued because a court has denied a juvenile's driving privileges under ORS 809.260.

(4) Except as provided in section (5) of this rule, an applicant for an emergency driver permit must:

(a) Submit a completed Emergency Operator's Permit Application, Form 735-0009, signed by the applicant's parent or legal guardian and the sheriff of the county in which the applicant resides;

(b) Provide proof satisfactory to DMV detailing the need for an emergency driver permit signed by the applicant's parent or legal guardian including, but not limited to:

- (A) The circumstances of the emergency;
- (B) The expected end date of the emergency;
- (C) A complete description of the days, times and routes to be traveled;

(D) Employment verification. If applying to drive for employment purposes, the applicant must submit a signed letter from his or her employer on company letterhead stating the days and hours the applicant works; and

(E) If the applicant's driving privileges are suspended because of a court denial under ORS 809.260 and the applicant is applying to travel to and from school the principal must sign the application certifying that there is no other school transportation available and that the applicant attends school on the days and hours stated on the application.

(c) Pay all applicable fees;

(d) Pay the reinstatement fee as established under ORS 807.370 if the applicant's driving privileges are suspended by court denial;

(e) Fulfill all applicable requirements of ORS Chapter 807 and OAR 735, Division 62 for issuance of a class C driver license; and

(f) Have an instruction driver permit, if the applicant is over 15 years of age, or if under 15 years of age, obtain an instruction driver permit within 60 days after the applicant's 15th birthday. This subsection does not apply to an applicant whose driving privileges are suspended by court denial under ORS 809.260.

(5) To be eligible for an emergency driver permit, an applicant does not need to:

(a) Possess an instruction driver permit for at least six months prior to applying for an emergency driver permit;

(b) Have at least 50 hours of driving experience with a licensed driver over the age of 21; or

(c) Complete a traffic safety education course.

(6) In addition to any other driving restrictions that may be imposed by DMV, the holder of an emergency driver permit may not drive a motor vehicle carrying any passenger under 20 years of age who is not a member of the permit holder's immediate family.

(7) An emergency driver permit issued prior to the applicant's 16th birthday will expire on the following date, whichever occurs first:

(a) At the end of the emergency;

(b) Six months and 60 days after the emergency driver permit holder's 16th birthday; or

(c) At the end of the suspension period if the emergency driver permit was issued because a court has denied a juvenile's driving privileges under ORS 809.260.

(8) An emergency driver permit issued on or after the applicant's 16th birthday and prior to the applicant's 18th birthday will expire on the following date, whichever occurs first:

(a) At the end of the emergency;

(b) Six months and 60 days after issuance of the emergency driver permit;

(c) One week after the emergency driver permit holder's 18th birthday; or

(d) At the end of the suspension period if the emergency driver permit was issued because a court denied a juvenile's driving privileges under ORS 809.260.

(9) Notwithstanding section (7)(c) of this rule, DMV will extend the expiration of an emergency driver permit issued to an individual suspended because a court denied the juvenile's driving privileges under ORS 809.260 beyond the end of the suspension if:

(a) The suspension started prior to the issuance of a provisional driver license;

(b) The applicant applies for an instruction driver permit if over 15 years of age or obtains an instruction driver permit within 60 days after the applicant's 15th birthday; and

(c) Submits proof to DMV that the emergency is still in effect.

(10) An emergency driver permit extended beyond the end of a court denial suspension under ORS 809.260 will expire on the following date, whichever occurs first:

(a) At the end of the emergency; or

(b) Six months and 60 days after the extension of the emergency driver permit; or

(c) One week after the emergency driver permit holder's 18th birthday.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120, 807.220

Stats. Implemented: ORS 807.220

Hist.: MV 14-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0006; MV 6-1990, f. & cert. ef. 4-2-90; DMV 12-1996, f. & cert. ef. 12-20-96; DMV 1-2001, f. & cert. ef. 1-17-01; DMV 19-2006, f. & cert. ef. 12-13-06

### 735-064-0235

#### Special Student Driver Permit

(1) A special student driver permit authorizes operation of only those vehicles that the holder of a Class C driver license may operate, and does not include operation of any vehicle for which a commercial driver license is required or operation of a motorcycle.

(2) A special student driver permit authorizes a person to only drive between the person's home and the closest alternate means of transportation, or if alternate transportation does not exist, between home and the school, college or other educational institution in which the person is enrolled and is attending for an educational purpose. An educational purpose includes participation in extra curricular activities as long as the student drives only to his or her school, college or educational institution for which the permit is issued.

(3) Except as provided in section (4) of this rule, an applicant for a special student driver permit must:

(a) Submit a completed Student Driver's Permit Application, Form 735-0009, signed by the applicant's parent or legal guardian and endorsed by the sheriff of the county in which the applicant resides and the principal of the school or educational institution, or registrar of the college, in which the applicant is enrolled;

(b) Pay all applicable fees;

(c) Have an instruction driver permit, if the applicant is over 15 years of age, or if under 15 years of age, obtain an instruction driver permit within 60 days after the applicant's 15th birthday;

(d) Fulfill all applicable requirements of ORS Chapter 807 and OAR 735, Division 62 for issuance of a class C driver license; and

(e) Provide proof satisfactory to DMV that the applicant has no other means of transportation available including but not limited to:

(A) A map(s) showing the route between the applicant's home and alternate transportation or home and the school, college or educational institution in which the applicant is enrolled and public transportation routes; and

(B) The hours for which the applicant needs the special student permit and a copy of public transportation schedules.

(4) To be eligible for a special student driver permit, an applicant does not need to:

(a) Possess an instruction driver permit for at least six months prior to applying for a special student driver permit;

(b) Have at least 50 hours of driving experience with a licensed driver over the age of 21 years of age; or

(c) Complete a traffic safety education course.

(5) In addition to any other driving restrictions that may be imposed by DMV:

(a) The holder of a special student driver permit may not drive a motor vehicle carrying any passenger under 20 years of age who is not a member of the special student permit holder's immediate family; and

(b) The holder of a special student driver permit may not drive between 12 midnight and 5 a.m.

(6) A special student driver permit issued prior to the applicant's 16th birthday will expire on the following date, whichever occurs first:

(a) When the applicant has other means of transportation to and from school, college or other educational institutions; or

(b) Six months and 60 days after the applicant's 16th birthday.

(7) A special student driver permit issued on or after the applicant's 16th birthday and prior to the applicant's 18th birthday will expire on the following date, whichever occurs first:

- (a) When the applicant has other means of transportation to and from school, college or other educational institution;
- (b) Six months and 60 days after issuance; or
- (c) One week after the applicant's 18th birthday.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120, 807.230  
 Stats. Implemented: ORS 807.230  
 Hist.: DMV 12-1996, f. & cert. ef. 12-20-96; DMV 1-2001, f. & cert. ef. 1-17-01; DMV 31-2005, f. & cert. ef. 12-14-05; DMV 19-2006, f. & cert. ef. 12-13-06

**735-064-0237**

**Cancellation of an Emergency Driver Permit or Special Student Driver Permit**

(1) A person issued an emergency driver permit or special student driver permit shall not drive outside the permit driving restrictions. DMV will cancel an emergency driver permit or special student driver permit if DMV determines that the permit holder has driven outside the permit driving restrictions.

(2) In making a determination under section (1) of this rule, DMV may rely on information that indicates the person has driven outside the permit restrictions including, but not limited to the following:

- (a) A police report which indicates the permit holder has driven outside of the permit driving restrictions;
- (b) An accident report which indicates the permit holder has driven outside of the permit driving restrictions;
- (c) A letter, on Sheriff's Department letterhead, signed by the sheriff of the county in which the permit holder resides, which indicates the permit holder has driven outside of the permit driving restrictions;

(d) A letter, on school letterhead, signed by the principal of the school the permit holder attends, which indicates the permit holder has driven outside of the permit driving restrictions;

(e) Any court conviction which indicates the permit holder has driven outside of the permit driving restrictions; or

(f) A written report from any individual which indicates the permit holder has driven outside of the permit driving restrictions. The report must be signed by the author and must identify the author in a manner which will allow DMV to contact him/her for further information, if necessary.

(3) DMV will reissue driving privileges to a person whose special student driver permit is cancelled as outlined in OAR 735-070-0010(12).

(4) DMV will reissue driving privileges to a person whose emergency driver permit is cancelled as outlined in OAR 735-070-0010(13).

(5) The person whose emergency driver permit or special student driver permit is canceled will be provided notice and opportunity for an administrative hearing under ORS 809.310(1) and OAR 735-070-0020(6).

Stat. Auth.: ORS 184.616, 184.619, 807.220 & 807.230  
 Stats. Implemented: ORS 807.220 & 807.230  
 Hist.: DMV 4-1998, f. & cert. ef. 4-15-98; DMV 19-2006, f. & cert. ef. 12-13-06

**DIVISION 70**

**DRIVER LICENSES — REFUSAL, SUSPENSIONS, CANCELLATIONS, REVOCATION AND REINSTATEMENT**

**735-070-0000**

**Driver License Cancellations — Not Entitled to Driving Privileges**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will, under the provisions of ORS 807.350 and 809.310(1), cancel a person's driving privileges if DMV determines the person is not entitled to or no longer qualified for a driver permit or driver license.

(2) A person is not entitled to a driver permit or driver license if the person does not meet the eligibility requirements of ORS 807.040, 807.060, 807.062, 807.065, 807.066 and 807.070.

(3) A person is not entitled to a driver permit or driver license if the person's driving privileges are suspended or revoked in any jurisdiction.

Stat. Auth.: ORS 802.010, 802.200, 802.540, 807.040, 807.050, 807.060, 807.070, 807.120, 807.150, 807.400, 809.310 & Ch. 535, OL 1989  
 Stats. Implemented: ORS 809.310

Hist.: MV 16-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0061; MV 11-1988(Temp), f. & cert. ef. 4-1-88; MV 19-1988, f. & cert. ef. 6-1-88; MV 8-1989, f. & cert. ef. 2-1-89; MV 14-1992, f. & cert. ef. 10-16-92; MV 16-1992, f. & cert. ef. 12-16-92; DMV 3-2002, f. & cert. ef. 3-14-02

**735-070-0004**

**Cancellation and Suspension Actions Under ORS 809.310 and 809.320**

(1) When the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) cancels or suspends a person's driver permit or driver license because the person committed any of the acts cited in ORS 809.310, DMV shall also take the same action against any other driver permits or driver licenses that may have been issued to the person. When a cancellation or suspension involves multiple driver permits or driver licenses for the same person, all orders shall cite the same reason.

(2) When DMV cancels or suspends a person's identification card because the person committed any of the acts cited in ORS 809.310, DMV shall also take the same action against any other identification cards that may have been issued to the person. When a cancellation or suspension involves multiple identification cards for the same person, all orders shall cite the same reason.

(3) Cancellation or suspension of a person's driver permit or driver license shall not affect the status of any identification card that may have been issued to the person. Similarly, the same actions taken against a person's identification card shall not affect the status of any driver permit or driver license that may have been issued to the person.

Stat. Auth.: ORS 184.616  
 Stats. Implemented: ORS 809.310 & 809.320  
 Hist.: MV 8-1989, f. & cert. ef. 2-1-89; MV 18-1993, f. 12-17-93, cert. ef. 1-1-94; DMV 16-1994, f. & cert. ef. 12-20-94

**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) Submits proof of age and identity as described in OAR 735-062-0020(2). For purposes of this rule, primary proof of age and identity does not include a driver license, instruction permit, identification card or a duplicate photograph on file with Oregon DMV;

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

(c) 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) The person submits the proof of age and identity as described in OAR 735-062-0020(2). For purposes of this rule, primary proof of age and identity does not include a driver license, instruction permit, identification card or a duplicate photograph on file with Oregon DMV;

(b) The person submits proof of residence address as described in OAR 735-062-0030(1); and

(c) 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 ORS 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 ORS 807.040, 807.065 and 807.066 and OAR 735-062-0000 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 735-062-0000.

(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 735-062-0000.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

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

Hist.: MV 16-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0064; MV 14-1992, f. & cert. ef. 10-16-92; MV 18-1993, f. 12-17-93, cert. ef. 1-1-94; DMV 16-1994, f. & cert. ef. 12-20-94; DMV 3-2002, f. & cert. ef. 3-14-02; DMV 16-2005(Temp), f. & cert. ef. 6-17-05 thru 12-13-05; DMV 23-2005, f. & cert. ef. 11-18-05; DMV 27-2005, f. 12-14-05 cert. ef. 1-1-06; DMV 13-2006, f. 9-22-06, cert. ef. 10-2-06; DMV 19-2006, f. & cert. ef. 12-13-06

### 735-070-0015

#### NDR/PDPS and CDLIS Checks at Reinstatement

(1) Before reinstating suspended driving privileges, DMV will make an inquiry to the National Driver Register/Problem Driver Pointer System (NDR/PDPS) and the Commercial Driver License Information System (CDLIS) to determine if the person's driving privileges are suspended, revoked, canceled, or otherwise not valid in any other jurisdiction.

(2) DMV will not reinstate suspended driving privileges until the person's driving privileges are reinstated or otherwise valid in all jurisdictions, unless the only remaining reinstatement requirement in another jurisdiction is proof of financial responsibility. Nothing in this section prohibits DMV from reinstating a regular Class C driver license to a person whose commercial driving privileges are not valid in all other jurisdictions as long as the person's regular Class C or equivalent driving privileges are valid in all other jurisdictions.

(3) This rule does not apply if:

(a) The person has never been issued Oregon driving privileges;

(b) The person's Oregon-issued driving privileges are expired, revoked or cancelled; or

(c) The person's Oregon-issued driving privileges are suspended but the person has subsequently been issued driving privileges in another jurisdiction.

Stat. Auth.: ORS 184.616, 184.619 & 802.010

Stat. Imp.: ORS 807.040, 807.060, 807.249, 809.380, 809.390 & 809.400

Hist.: DMV 14-2006, f. 9-29-06, cert. ef. 10-2-06

### 735-070-0020

#### Hearing Following a Cancellation

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will grant a contested case hearing for cancellation actions in accordance with sections (5) and (6) of this rule.

(2) A request for a hearing on the cancellation of a driver permit, driver license or identification card must comply with the requirements established in OAR 735-070-0110.

(3) When DMV receives a timely request for a hearing on the cancellation of a driver permit, driver license, or identification card, the cancellation will not go into effect pending the outcome of the hearing, except in the following situations:

(a) When DMV determines that there is a serious danger to the public health, safety, or welfare;

(b) When the cancellation is for withdrawal of parent's consent; or

(c) When the cancellation has gone into effect.

(4) For the purposes of this rule, a serious danger to the public health, safety or welfare includes, but is not limited to, the following:

(a) A false or fraudulent driver permit, driver license or identification card has been issued and it could be used to facilitate:

- (A) A minor's acquisition of alcoholic beverages;
- (B) The cashing of forged checks;
- (C) The acquisition of property under false pretenses; or
- (D) Any other unlawful activity.

(b) A driver permit or driver license is issued to a person whose driving privileges are suspended or revoked at the time the driver permit or driver license is issued. This applies to a situation where DMV would not have issued the driver permit or driver license had it known at the time that the person's driving privileges were suspended or revoked.

(c) A person determined by DMV to be an endangerment to persons or property and denied further testing through cancellation of driving privileges under ORS 807.350 and OAR 735-062-0073(5).

(5) The Office of Administrative Hearings will conduct hearings held on identification card cancellations under ORS 807.400 as contested cases in accordance with ORS 183.310 to 183.550.

(6) The Office of Administrative Hearings will conduct hearings held on driver permit or driver license cancellations under ORS 809.310 not based on a conviction as contested cases in accordance with ORS 183.310 to 183.550.

Stat. Auth.: ORS 183.415, 184.616, 814.619, 802.010, 809.440 & 2005 HB 2107, Sec. 33  
 Stats. Implemented: ORS 809.310 & 2005 HB 2107, Sec. 33  
 Hist.: MV 16-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0067; MV 9-1989, f. & cert. ef. 2-1-89; MV 5-1992, f. & cert. ef. 4-16-92; DMV 3-2002, f. & cert. ef. 3-14-02; DMV 3-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 18-2005(Temp), f. & cert. ef. 8-18-05 thru 2-13-06; DMV 26-2005, f. & cert. ef. 12-14-05

**735-070-0030  
 Suspension/Revocation for Out-of-State Conviction, Suspension or Revocation**

(1) For purposes of ORS 809.400(1):

(a) The date a notice of conviction is received by the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation (DMV) is:

(A) The date the notice of conviction is date stamped by the Driver Records Unit; or

(B) The date the notice of conviction is electronically transmitted to Oregon DMV from the reporting jurisdiction.

(b) "Initiated" means the date the conviction is entered on the person's Oregon driving record.

(c) A conviction is entered on the person's Oregon driving record when it is manually placed on the record by DMV or when it is transmitted from the reporting jurisdiction if received electronically.

(2) Except as provided in ORS 809.400(1), DMV will suspend or revoke the driving privileges of any resident of this state upon receiving notice of the conviction of the person in another jurisdiction for an offense which, if committed in this state, would be grounds for suspending or revoking of the person's driving privileges.

(3) DMV will suspend the driving privileges of a resident of this state, upon receiving notice from another state, territory, federal possession or district, or province of Canada that the person's driving privileges have been suspended or revoked in that jurisdiction under circumstances which would require DMV to suspend driving privileges under ORS 813.410(1) if the conduct had occurred in Oregon.

(4) DMV will suspend the commercial driving privileges of a resident of this state pursuant to ORS 809.413(12), upon receiving notice that the person's commercial driving privileges have been suspended or revoked in another jurisdiction under circumstances that would require DMV to suspend driving privileges if the conduct had occurred in Oregon. The period of suspension will be the same as would be imposed if the conduct had occurred in Oregon.

(5) A suspension under section (3) of this rule will continue until the person provides acceptable evidence to DMV that the person has complied with the law of the reporting jurisdiction, driving privileges have been restored in the reporting jurisdiction, or the revocation or suspension in the other jurisdiction was not imposed under circumstances that would require DMV to suspend driving privileges under ORS 813.410(1) if the conduct had occurred in Oregon. Acceptable evidence is:

(a) A letter on letterhead from the reporting jurisdiction showing the person has complied with the jurisdiction's law or that driving privileges have been restored.

(b) A certified copy of the driving record from the reporting jurisdiction showing the restoration of driving privileges; or

(c) A copy of the reporting jurisdiction's law and any relevant documents showing the suspension or revocation was not imposed under circumstances that would require DMV to suspend if the conduct had occurred in Oregon.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 809.400  
 Stats. Implemented: ORS 802.540, 809.413 & 809.400  
 Hist.: MV 10-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0053; MV 16-1990, f. & cert. ef. 9-25-90; MV 1-1992, f. & cert. ef. 2-18-92; DMV 6-1995, f. & cert. ef. 3-9-95; DMV 22-2004, f. 11-17-04, cert. ef. 1-1-05; DMV 31-2005, f. & cert. ef. 12-14-05

**735-070-0035  
 Effect of Commercial Driver License Suspension on Class C Driver License**

(1) A person's commercial motor vehicle driving privileges may be suspended without affecting the person's privileges to operate vehicles which may be operated with a Class C driver license.

(2) When a person's commercial driver license is suspended independently of the Class C license, the person may not be issued a hardship permit to operate commercial motor vehicles.

(3) When a person's commercial driver license is suspended independently of the Class C license, the person shall surrender his or her commercial driver license for a Class C driver license.

Stat. Auth.: ORS 802.010, 802.200, 807 & Ch. 636, OL 1989  
 Stats. Implemented: ORS 809.240 & §51, Ch. 636, OL 1989  
 Hist.: MV 6-1990, f. & cert. ef. 4-2-90

**735-070-0037  
 Fatal Accidents Used as Serious Traffic Violations**

Motor vehicle traffic control violations connected to a fatal accident as referred to in ORS 801.477(2)(k), are those offenses listed in ORS 809.600(1) and OAR 735-064-0220, and include city traffic offenses and similar offenses under federal law or the laws of another state as set forth in ORS 809.600(4), but do not include those offenses regulating vehicle weight or equipment.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.200  
 Stats. Implemented: ORS 801.477, 809.413  
 Hist.: MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 31-2005, f. & cert. ef. 12-14-05

**735-070-0040  
 Definition of "Address as Shown by Driver Licensing Records of the Department"**

(1) "Address as shown by driver licensing records of the department," as used in ORS 809.430 relating to mailing of notice, is defined as the address contained in the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV)'s computerized customer file:

(2) When a person's Oregon license, permit or identification card is expired, suspended, revoked or has not been issued, this address shall be the address shown on the computerized customer file, except when the suspension or revocation is pursuant to ORS 809.410(1) through (8) and 813.400. In this case, the address of record shall be the address contained on the source document that initiated the suspension or revocation unless the customer file shows a change of address processed after the address was recorded on the source document.

Stat. Auth.: ORS 184.616  
 Stats. Implemented: ORS 809.430  
 Hist.: MV 17-1980, f. & ef. 9-18-80; Administrative Renumbering 3-1988, Renumbered from 735-031-0055; MV 33-1989, f. & cert. ef. 10-3-89; DMV 1-1995, f. & cert. ef. 1-23-95

**735-070-0050  
 Designated Agents for Vehicle Suspensions**

The Driver and Motor Vehicle Services Division of the Department of Transportation may designate any peace officer as its agent for the purposes of assisting in the maintaining, storage, and disposing of license plates and vehicle registration cards secured under ORS 809.020(2)(a).

Stat. Auth.: ORS 809  
 Stats. Implemented: ORS 809.020  
 Hist.: MV 24-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0800

**735-070-0054**

**Police Reports for Implied Consent Suspension Under ORS 813.100, 813.120, 813.132 and 813.410**

(1) A police report required by ORS 813.100 must be submitted to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) on forms approved and distributed by the department.

(2) For the Driver Suspensions Unit to suspend a person's non-commercial Class C driving privileges, commercial driver license, or both or right to apply for driving privileges or a commercial driver license under ORS 813.410 for failure of a breath test or for refusal of a breath, blood or urine test, the implied consent form(s) must:

- (a) Be received by DMV on or before the 30th day after the date of arrest; and
- (b) Contain the following information:
  - (A) Specify all of the following that apply:
    - (i) The person failed a breath test;
    - (ii) The person refused a breath test;
    - (iii) The person refused a blood test;
    - (iv) The person refused a urine test;
    - (v) The person was operating a commercial motor vehicle;
    - (vi) The person holds a commercial driver license;
    - (vii) The person was operating a vehicle transporting hazardous materials.
  - (B) A date of arrest;
  - (C) A suspension period that conforms to the type of suspension in accordance with ORS 813.404 or 813.420; and
  - (D) The reporting officer's signature below the statement, "I affirm by my signature that the foregoing events occurred." The officer's signature will be considered acceptable if located anywhere on the line of the form directly below the statement.

(3) For the Driver Suspensions Unit to suspend a person's non-commercial Class C driving privileges, commercial driver license, or both or right to apply for driving privileges or a commercial driver license under ORS 813.410 for failure of a blood test, the police report form must be received by DMV on or before the 45th day after the date of arrest and must indicate that the person failed a blood test and whether the person was operating a commercial motor vehicle, as well as the information required in paragraphs (2)(b)(B) and (D) of this rule.

(4) If an implied consent suspension has been posted pursuant to this rule and a timely hearing request has not been submitted as provided for in ORS 813.410(3), the driver may have the implied consent suspension withdrawn only by:

- (a) Having the police agency or district attorney's office follow procedures outlined in OAR 735-070-0055;
- (b) Obtaining and prevailing at a hearing under ORS 813.440; or
- (c) The Driver Suspension Unit, when it withdraws the suspension pursuant to ORS 813.460 and OAR 735-070-0060.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 813.100 & 813.120  
 Stats. Implemented: ORS 813.100, 813.120, 813.130 & 813.404 - 813.460  
 Hist.: DMV 7-1995, f. & cert. ef. 3-9-95; DMV 12-1995, f. & cert. ef. 12-14-95; DMV 9-1996, f. & cert. ef. 10-10-96; DMV 23-2004, f. & cert. ef. 11-17-04; DMV 31-2005, f. & cert. ef. 12-14-05

**735-070-0055**

**Withdrawal of Implied Consent Forms by Police Agency**

(1) The Driver Suspension Unit of the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall allow the withdrawal of any form issued under ORS 813.100 when the unit receives written notice from the original reporting police agency or, if the police agency no longer exists, from the district attorney's office in the jurisdiction of the originating police agency. The notice of withdrawal shall:

- (a) State which requirements under ORS 813.120 were not met;
- (b) Be written on official police agency letterhead or on letterhead of the district attorney's office if the police agency no longer exists;
- (c) Be signed by the head of the police agency that issued the form or another superior officer in the agency, or the district attorney or the district attorney's designee if the police agency no longer exists;
- (d) State the name of the person to whom any form issued under ORS 813.100 was issued and the date of the arrest; and
- (e) Be submitted to the Driver Suspensions Unit of DMV.

(2) DMV shall not allow the withdrawal of any form issued under ORS 813.100 if an Implied Consent hearing has been held and a final order has been issued.

Stat. Auth.: ORS 184.616  
 Stats. Implemented.: ORS 813.100, 813.120, 813.410 & OL 1995, Ch. 676  
 Hist.: MV 3-1990, f. & cert. ef. 2-1-90; MV 18-1990, f. 11-19-90, cert. ef. 12-1-90; MV 4-1993, f. & cert. ef. 7-16-93; DMV 12-1995, f. & cert. ef. 12-14-95

**735-070-0060**

**Procedure for Rescinding Implied Consent Suspensions of Wrong Person Under ORS 813.460**

(1) When the Department of Transportation, Driver and Motor Vehicle Services Division (DMV) must verify to its satisfaction that it has suspended the driving privilege of the wrong person under ORS 813.410, the Driver Suspensions Unit of DMV must receive written notice from the original reporting police agency or, if the police agency no longer exists, from the District Attorney's office in the jurisdiction of the originating police agency. The notice:

- (a) Must be signed by the reporting officer or a superior officer, or the district attorney if the police agency no longer exists;
- (b) Must state the name of the person whose name was falsely used;
- (c) Should include the name, address and date of birth of the person actually arrested for driving under the influence of intoxicants, if known; and
- (d) Should include the date of arrest.

(2) When the Driver Suspensions Unit receives this notice, it will rescind the suspension that was entered on the driving record of the person whose name was falsely used.

(3) If the notice includes the correct name of the person actually arrested for driving under the influence of intoxicants, the Driver Suspensions Unit will issue a notice of suspension to the person's address as shown by DMV records. A suspension order under this section is subject to the following:

- (a) The suspension begins 35 days from the mailing date of the suspension notice unless a hearing is requested;
- (b) The suspension is subject to an increase in the length of the suspension period under ORS 813.430;
- (c) DMV must receive a hearing request within 15 days of the mailing date of the suspension notice or the hearing is waived; and
- (d) The Office of Administrative Hearings will conduct the hearing pursuant to ORS 813.410 and issue a final order. The suspension will not go into effect pending the outcome of the hearing.

(e) Notwithstanding subsection (d), the time limitations in ORS 813.410(1),(2),(3) and (4) do not apply to a suspension order issued under this section.

Stat. Auth.: ORS 184.616, 184.619 & 802.010  
 Stats. Implemented: ORS 813.410 & 813.460  
 Hist.: MV 25-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0070; MV 4-1993, f. & cert. ef. 7-16-93; DMV 12-1995, f. & cert. ef. 12-14-95; DMV 23-2004, f. & cert. ef. 11-17-04

**735-070-0076**

**DUII Diversion Agreements — Definitions “Commenced Participating In” and “Presently Participating In” and Removal from Driving Records**

(1) When record of a driving while under the influence of intoxicants (DUII) diversion agreement is submitted to DMV under ORS 813.230 and is included on a person's driving record, for purposes of ORS 813.430, the following definitions apply:

- (a) “Commenced participating in” means the date the order allowing diversion is signed by the judge, or the beginning date of any similar alcohol or drug rehabilitation program as evidenced by a state authorized agreement; and
- (b) “Presently participating in” means the period of time between the date the order allowing diversion is signed by the judge, or the beginning date of any similar alcohol or drug rehabilitation program as evidenced by state authorized agreement and the ending date of the diversion agreement.

(2) DMV shall vacate a DUII diversion agreement from a driving record upon receipt of an order to vacate the diversion agreement from the court which allowed the diversion agreement.

Stat. Auth.: ORS 814.616 & 184.619  
 Stats. Implemented: ORS 802.200, 813.230, 813.430 & 813.520  
 Hist.: DMV 10-1997, f. & cert. ef. 10-16-97



**735-070-0080**

**Ignition Interlock Device (IID) as Requirement Following DUII Suspension**

(1) A person convicted by an Oregon Court of Driving Under the Influence of Intoxicants (DUII) must install, use and maintain an IID during the six months following the ending date of a suspension for driving privileges for the DUII conviction.

(2) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) will suspend driving privileges for failure to install an IID if proof that an approved IID has been installed in the person's vehicle is not submitted to DMV by the ending date of the DUII suspension. The proof must be an installation report form completed and signed by the installer or other designee of the IID manufacturer who installed the device.

(3) A person may operate a vehicle(s) without an IID, if the person is medically unable to operate a vehicle equipped with an IID, and DMV grants a medical exemption from the IID requirement. To avoid suspension of driving privileges for failure to install an IID, the person must apply before the last day of the DUII suspension and submit to DMV:

(a) A written, signed statement from an IID installer that the installer is unable to adapt an IID to accommodate usage by the person because of the person's medical condition; and

(b) A written, signed statement from the person's medical doctor, doctor of osteopathy, physician assistant or nurse practitioner containing the following information:

(A) The name of the exempting condition;

(B) Whether the condition is temporary or permanent and if temporary, when the condition will no longer prevent usage of an IID; and

(C) Whether the exemption is required because the condition results in the inability to sustain an exhaled breath sampling of five pounds of pressure for five seconds required to operate the device or results in a ketone level in the person's breath which will not allow the driver to successfully complete the test.

(4) When the application for a medical exemption is made under section (3) of this rule and approved by DMV, DMV will issue a medical exemption letter. The person must carry a copy of DMV's medical exemption letter while operating a vehicle that would otherwise require installation and use of an IID.

(5) DMV will reinstate driving privileges if during the six-month suspension period for failure to install an IID, DMV grants the person a medical exemption.

(6) A person whose driving privileges are suspended for failure to install an IID may be eligible for a hardship permit.

Stat. Auth.: ORS 184.616 & 813.602

Stats. Implemented: ORS 813.602

Hist.: MV 39-1987, f. 12-11-87, cert. ef. 1-1-88; Administrative Renumbering 3-1988, Renumbered from 735-031-0078; MV 20-1988, f. & cert. ef. 6-1-88; MV 14-1989, f. & cert. ef. 5-17-89; MV 18-1989(Temp), f. 8-31-89, cert. ef. 9-5-89; MV 4-1990, f. & cert. ef. 3-2-90; DMV 5-1994, f. & cert. ef. 7-21-94; DMV 15-2001, f. & cert. ef. 9-21-01

**735-070-0085**

**DUII Treatment Completion Certificate Requirement for Reinstatement**

(1) Any person arrested for Driving Under the Influence of Intoxicants (DUII) on and after January 1, 1988, thereafter convicted in an Oregon court, and whose driving privilege is subsequently suspended for DUII, must submit a completed DUII Treatment Completion Certificate, DMV Form 735-6821, to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) before DMV shall fully reinstate the person's driving privileges.

(2) The form shall be completed by a representative of an Oregon DUII treatment program approved by the Oregon Office of Alcohol and Drug Abuse Programs or an out-of-state DUII treatment provider.

Stat. Auth.: ORS 184.616 & 809.380

Stats. Implemented: ORS 809.380 & 813.020

Hist.: DMV 5-1994, f. & cert. ef. 7-21-94

**735-070-0090**

**Violation of License Restriction**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) shall send an advisory letter to a person upon receipt of a first conviction for violation of license restriction unless license suspension is required under section (2) of this rule:

(a) The letter shall advise the person that a second conviction for violation of license restriction within a five-year period will result in suspension of driving privileges;

(b) The letter shall advise the person of the procedure for removing the restriction from the license providing the restriction no longer applies to the person;

(c) The letter shall be sent to the person by first class mail to DMV's address of record; and

(d) Failure to receive the letter shall not prevent suspension when there is a second or subsequent conviction within a five-year period.

(2) DMV shall suspend the person's driving privilege:

(a) Upon receipt of a second or subsequent conviction for violation of license restriction within a five-year period; or

(b) Upon receipt of any conviction for violation of license restriction, when the restriction violated was a requirement of the driver improvement program or provisional license driver improvement program. Suspension action shall be taken even if the conviction is received by DMV after the end of the restriction period.

(3) All of the following apply to the suspension under section (2) of this rule:

(a) The suspension notice issued shall include information advising the person of the procedure for removing the restriction from the license providing the restriction no longer applies to the person; and

(b) The suspension shall be for 30 days.

(4) The following exceptions apply to this rule:

(a) An advisory letter under section (1) of this rule shall not be sent if the restriction no longer applies and has been removed from the person's driver license before the advisory letter can be produced and mailed;

(b) A suspension notice under subsection (2)(a) of this rule shall not be sent if the restriction no longer applies and the restriction has been removed from the person's driver license before the suspension notice can be produced and mailed; and

(c) This rule does not apply to violation of hardship permit or probationary permit restrictions.

Stat. Auth.: ORS 184.616, 809.410 & 809.480

Stats. Implemented: ORS 807.120, 809.410 & 809.480

Hist.: MV 6-1988, f. 2-16-88, cert. ef. 2-17-88; Administrative Renumbering 3-1988, Renumbered from 735-031-0051; DMV 7-1994, f. 8-19-94, cert. ef. 9-1-94

**735-070-0110**

**Hearing Requests Under the Administrative Procedures Act**

(1) This rule establishes the hearing request requirements for DMV suspension, revocation and cancellation hearings conducted pursuant to the Administrative Procedures Act, ORS 183.413 to 183.500. This rule does not apply to a hearing request for:

(a) An implied consent hearing under ORS 813.132, 813.410 or 813.460;

(b) An administrative review under ORS 809.440(2); and

(c) A post-imposition hearing under ORS 809.440(4).

(2) A hearing request must be in writing and must:

(a) Include the person's full name;

(b) Separately identify each action being contested if a hearing is being requested for more than one suspension, revocation or cancellation action;

(c) Be postmarked within 20 days of the date of the notice. If the hearing request is not postmarked or a postmark date cannot be determined, it must be received by the Driver and Motor Vehicle Services Division of ODOT (DMV) within 20 days of the date of the notice; and

(d) Be mailed or personally delivered to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR 97314 or if sent by facsimile machine (FAX), received by DMV at FAX number (503) 945-5521.

(3) A Hearing request should also include the person's: address, driver license, permit, identification or customer number; date of birth; and telephone number with area code.

(4) Except as provided in OAR 137-003-0528, the person's right to a hearing is waived if a hearing is not requested within the time period specified in section (2) of this rule and the notice becomes the final order by default. The time period for requesting a hearing will be computed as set forth in OAR 137-003-0520(10).

Stat. Auth.: ORS 183.415, 184.616, 184.619, 802.010 & 809.440

Stats. Implemented.: ORS 809.440

Hist.: MV 29-1988, f. & cert. ef. 12-16-88; MV 13-1990, f. & cert. ef. 7-16-90; MV 5-1992, f. & cert. ef. 4-16-92; DMV 12-1995, f. & cert. ef. 12-14-95; DMV 23-2004, f. & cert. ef. 11-17-04

**735-070-0130**

**Fatal Accident Suspension**

(1) DMV will use the following definitions when determining whether to issue a suspension order under ORS 809.417(3):

(a) "Criminal negligence" is as defined in ORS 161.085(10) which states "that a person fails to be aware of a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that the failure to be aware of it constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation."

(b) "Incompetence" means driving in a manner that indicates lack of ability or fitness to safely operate a motor vehicle.

(c) "Recklessness" is as defined in ORS 161.085(9), which states "that a person is aware of and consciously disregards a substantial and unjustifiable risk that the result will occur or that the circumstance exists. The risk must be of such nature and degree that disregard thereof constitutes a gross deviation from the standard of care that a reasonable person would observe in the situation."

(d) "Unlawful operation" means driving in a manner that would constitute commission of a traffic offense as defined by ORS 801.555 and includes any traffic offense under any federal law or any law of another state, including subdivisions thereof, that substantially conforms to a traffic offense as defined by Oregon statute.

(2) A suspension under ORS 809.417(3) will be for a period of one year.

Stat. Auth.: ORS 184.616, 184.619 & 809.417  
 Stats. Implemented: ORS 809.417  
 Hist.: MV 13-1989, f. & cert. ef. 3-20-89; DMV 6-1997, f. & cert. ef. 7-15-97; Administrative Correction 8-12-97; DMV 22-2003, f. 12-15-03 cert. ef. 1-1-04

**735-070-0160**

**Restoration of Driving Privileges for Habitual Offenders**

(1) A person, revoked as a habitual offender, may apply for restoration of driving privileges five years after the revocation date. For purposes of the habitual offender statutes and administrative rules, compliance with reinstatement requirements shall be considered as application for restoration of driving privileges.

(2) To comply with reinstatement requirements, the person shall:

(a) Meet all requirements to apply for full reinstatement on any other suspension, revocation, cancellation or non-issue action(s) also in effect;

(b) Successfully complete requirements established for an original driver license in ORS 807.040 or an instruction driver permit in ORS 807.280, including the payment of fees established in ORS 807.370; and

(c) Pay the reinstatement fee established in ORS 807.370.

(3) In lieu of subsection (2)(b) of this rule, a person residing out-of-state may take the tests for an original driver license or instruction driver permit at the motor vehicle agency in the state or province where the person resides. When test results from another jurisdiction are received by Oregon DMV and subsections (2)(a) and (c) of this rule have been met, only the person's driving privilege shall be reinstated. No Oregon original driver license or instruction driver permit issuance fee shall be required and no Oregon driver license or instruction driver permit shall be issued.

(4) The revocation shall remain in effect until the person meets the reinstatement requirements in section (2) or (3) of this rule, even if five years have elapsed since the revocation took effect.

Stat. Auth.: ORS 184.616, 184.619 & 809.660  
 Stats. Implemented: ORS 809.390, 809.650 & 809.660  
 Hist.: MV 7-1993, f. & cert. ef. 10-21-93; DMV 11-1997, f. & cert. ef. 10-16-97

**735-070-0170**

**Civil Penalty Schedule for Violation of an Out-of-Service Order or Notice**

(1) The Driver and Motor Vehicle Services Division (DMV) of the Department of Transportation shall impose the civil penalty required by Section 4, Chapter 400, Oregon Laws 1993, on the operation of the commercial motor vehicle in accordance with the following schedule:

(a) \$1,000 for the first notice indicating the person has violated an out-of-service agreement; and

(b) \$2,000 for the second or subsequent notice indicating the person has violated an out-of-service agreement.

(2) The person incurring the civil penalty has a right to a contested case hearing in accordance with ORS 183.090. However, the

amount of the civil penalty is not an issue at the hearing, and the hearing officer presiding at the contested case hearing shall not adjust the amount of the civil penalty.

Stat. Auth.: ORS 184.616 & Ch. 400, OL 1993  
 Stats. Implemented: ORS 813.052  
 Hist.: MV 13-1993, f. 10-22-93, cert. ef. 11-4-93

**735-070-0180**

**Suspensions for Violations of Out-of-Service Orders**

(1) For purposes of this rule, "notice" refers to a notice of violation of an out-of-service order.

(2) A person is subject to the appropriate suspension period outlined in ORS 809.410(31), (32), (33) or (34) for any notice the Driver and Motor Vehicles Services Division of the Department of Transportation (DMV) receives on or after October 16, 1997, regardless of the offense or conviction date.

(3) DMV shall suspend commercial driving privileges under ORS 809.410(35) upon receipt of a second or subsequent notice within a 10-year period that indicates the person violated an out-of-service order and was transporting hazardous material or operating a motor vehicle designed to transport 16 or more persons, regardless of the load or kind of vehicle involved in the first notice. This applies even if DMV received the first notice before October 16, 1997.

(4) DMV shall suspend commercial driving privileges under ORS 809.410(32) upon receipt of a second or subsequent notice within a 10-year period that indicates the person violated an out-of-service order but was not transporting hazardous material or was not operating a motor vehicle designed to transport 16 or more persons, regardless of the load or kind of vehicle involved in the first notice. This applies even if DMV received the first notice before October 16, 1997.

Stat. Auth.: ORS 184.616 & 184.619  
 Stats. Implemented: ORS 809.410(32) - 809.410(35)  
 Hist.: DMV 9-1997, f. & cert. ef. 10-16-97; DMV 1-1999, f. & cert. ef. 2-19-99

**735-070-0185**

**Report of Positive Drug Test Result from Medical Review Officer**

(1) The report submitted by a medical review officer under ORS 825.410 must include a Report of Positive Drug Test Under ORS 825.410 (DMV form 735-7200) and:

(a) A legible copy of a completed Federal Custody and Control Form, Copy 2 — Medical Review Officer Copy; or

(b) Either an original or legible copy of a document that contains, at a minimum, the following information:

- (A) Full name of the person tested;
- (B) Specimen ID number;
- (C) Place of Specimen Collection;
- (D) Date of Specimen Collection;
- (E) Collector's name;
- (F) Whether a split specimen was collected;
- (G) The person tested certified by signature that: he or she provided an unadulterated specimen to the collector; the specimen bottle was sealed with a tamper evident seal in the person's presence; and the information on the label affixed to the specimen bottle was correct;

(H) The date the Medical Review Officer verified the test result; and

- (I) Signature of the Medical Review Officer.
- (2) The Department of Transportation will not send notice as required by ORS 825.412 until a report as described in section (1) of this rule is received by the agency.

(3) The requirements of this rule shall apply retroactively to all reports submitted on or after September 21, 2000.

Stat. Auth.: ORS 184.616, 184.619 & 802.020  
 Stats. Implemented: ORS 825.410 & 825.412  
 Hist.: DMV 8-2001, f. & cert. ef. 3-7-01; DMV 5-2002(Temp), f. & cert. ef. 3-14-02 thru 9-9-02; DMV 9-2002, f. & cert. ef. 5-16-02; DMV 4-2005(Temp), f. 2-16-05, cert. ef. 2-17-05 thru 8-15-05; DMV 17-2005, f. & cert. ef. 7-22-05

**735-070-0190**

**Hearing Request for Entry of Positive Drug Test Result on Employment Driving Record**

When the Department of Transportation (ODOT) receives a report described in OAR 735-070-0185, ODOT will notify the person who is the subject of the report that the person has a right to request a hearing to determine whether a positive drug test result will be placed on the person's employment driving record.

(1) A hearing request must be in writing and must:

- (a) Include the person's full name;

(b) Include the person's complete mailing address;  
 (c) Include the person's Oregon driver license number;  
 (d) Include a brief statement of the issues the person proposes to raise at the hearing. The issues are limited to those set forth in ORS 825.412(3);

(e) Be postmarked within 30 days of the date of the notice. If the hearing request is not postmarked or a postmark date cannot be determined, it must be received by the Driver and Motor Vehicle Services Division of ODOT (DMV) within 30 days of the date of the notice; and

(f) Be mailed or personally delivered to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR 97314, or if sent by facsimile machine (FAX), received by DMV at FAX number (503) 945-5521.

(2) A hearing request should also include:

(a) The person's date of birth;

(b) The telephone number where the person can be reached between 8 a.m. and 5 p.m.; and

(c) The dates and times the person or the person's attorney cannot appear at a hearing.

(3) Except for good cause shown:

(a) Any factual or legal defense not set forth in the hearing request is considered waived; and

(b) No evidence offered by a person who requests a hearing will be admitted into the hearing record on any factual or legal defense that is waived.

(4) If good cause is shown under section (3) of this rule, the hearing officer must give ODOT sufficient opportunity to obtain and present in the contested case hearing any testimony or documents deemed necessary by the agency to respond to evidence offered by the person on any factual or legal defense.

(5) Except as provided in OAR 137-003-0528, the person's right to a hearing is waived if a hearing is not requested within the time period specified in section (1) of this rule and the notice becomes the final order by default. The test results will be posted to the person's employment driving record. The time period for requesting a hearing will be computed as set forth in OAR 137-003-0520(10).

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 825.412

Stats. Implemented: ORS 825.410 & 825.412

Hist.: DMV 11-2000(Temp), f. 9-21-00, cert. ef. 9-21-00 thru 3-19-01; DMV 8-2001, f. & cert. ef. 3-7-01; DMV 23-2004, f. & cert. ef. 11-17-04

**735-070-0200**

**Reinstatement of CDL Disqualification**

(1) A person who is disqualified from holding a commercial driver license under ORS 809.404(2) may apply to DMV for reinstatement 10 years after the disqualification.

(2) To be eligible for reinstatement, the person must:

(a) Meet all requirements for issuance of a commercial driver license;

(b) Provide any information requested sufficient for DMV to find there is good cause for reinstatement; and

(c) Voluntarily and successfully complete rehabilitation as approved by DMV.

(3) In determining whether good cause for reinstatement has been shown, DMV will consider the person's driving record in this state or any other jurisdiction for the 10 years preceding the date of application for reinstatement. DMV will not reinstate commercial driving privileges if any of the following appear on the person's driving record:

(a) A conviction for an offense involving the operation of a commercial motor vehicle.

(b) A conviction, suspension or diversion for an offense involving any vehicle and alcohol, controlled substances or inhalants.

(c) A conviction for failure to perform the duties of a driver (leaving the scene of an accident) in any vehicle.

(d) A felony conviction involving the operation of any motor vehicle.

(e) A revocation of driving privileges as a habitual offender under ORS 809.600.

(f) A conviction for reckless driving in any vehicle.

(g) A conviction for reckless endangering a highway worker in any vehicle.

(h) A conviction for assault in the fourth degree resulting from the operation of any motor vehicle.

(i) A suspension of driving privileges for violating the speed limit driving 100 miles per hour or greater in any vehicle.

(j) A suspension of driving privileges for violating the speed limit by more than 30 miles per hour in any vehicle.

(4) The department will not reinstate commercial driving privileges if a suspension of driving privileges under the Driver Improvement Program appears on the person's driving record, kept in this state or by any other jurisdiction, within the three years preceding the date of application for reinstatement.

(5) The following National Safety Council courses are approved by DMV as meeting the rehabilitation requirement. A person applying for reinstatement must show proof of successful completion of:

(a) DDC Attitudinal Dynamics of Driving; and

(b) DDC Professional Truck Drivers

(6) If a required course listed in section (5) of this rule is not available in Oregon, DMV will accept proof the person has successfully completed the on-line version of the course. If a required course is not available in Oregon and there is no on-line version available, DMV may accept proof of successful completion of an equivalent rehabilitation course or program.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 809.404

Stats. Implemented: ORS 809.404

Hist.: DMV 15-2006, f. 10-13-06, cert. ef. 11-1-06

**DIVISION 72**

**DRIVER IMPROVEMENT**

**735-072-0000**

**Application of the Driver Improvement Program**

(1) All drivers in this state are subject to the provisions of one of the Driver Improvement Programs established by this division.

(2) The provisional driver improvement program applies to drivers who have reached 14 years of age but who have not yet reached 18 years of age.

(3) The adult driver improvement program applies to drivers 18 years of age or older.

Stat. Auth.: ORS 184.616, 184.619 & 809.480

Stats. Implemented: ORS 809.480

Hist.: MV 24-1985, f. 12-31-85, ef. 1-1-86; MV 23-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0300; DMV 10-1994, f. 9-30-94, cert. ef. 10-1-94; DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02

**735-072-0010**

**Purpose of the Driver Improvement Program**

This division establishes the Driver Improvement Programs as authorized by ORS 809.480. Both the Provisional and Adult Driver Improvement Programs have as their goal the reduction of traffic convictions and especially accidents.

Stat. Auth.: ORS 184.616, 184.619 & 809.480

Stats. Implemented: ORS 809.480

Hist.: MV 24-1985, f. 12-31-85, ef. 1-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0305; DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02

**735-072-0020**

**Driver Improvement Program Definitions**

The following definitions apply to rules for both Driver Improvement Programs:

(1) "Adult Driver" is a driver 18 years of age or older.

(2) "Conviction" means a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture. Each separate offense arising from a single traffic stop or preventable accident, for which the person receives a conviction, constitutes a separate conviction for purposes of these rules.

(3) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(4) "Driver Improvement Course" means a traffic safety, defensive driving, traffic violator, or similar program or course of instruction approved by DMV.

(5) "Driver Improvement Violation" means:

(a) One conviction for an offense listed in OAR 735-064-0220;

or

(b) Five convictions for an offense listed in OAR 735-072-0035.

(6) "License" has the meaning specified in ORS 801.245.

(7) "Preventable Accident" is a traffic accident reported by a police officer that indicates a driver failed to do everything a driver

reasonably could have done to prevent the accident. Factors used to determine preventability include but are not limited to:

- (a) Violations of the law even if a citation is not issued;
  - (b) Failure to use defensive driving techniques;
  - (c) Road conditions existing at the time of the accident; or
  - (d) Speed of the driver's vehicle.
- (8) "Provisional Driver" means a driver who has reached 14 years of age but has not yet reached 18 years of age.

(9) "Record Review Date" means:

- (a) The date DMV records a driver improvement violation or preventable accident to a person's driving record; or
- (b) The date DMV grants driving privileges or fully reinstates the driving privileges following a suspension or revocation.

Stat. Auth.: ORS 184.616, 184.619 & 809.480

Stats. Implemented: ORS 809.480

Hist.: MV 24-1985, f. 12-31-85, ef. 1-1-86; MV 23-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0310; DMV 10-1994, f. 9-30-94, cert. ef. 10-1-94; DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02

### 735-072-0023

#### Provisional Driver Improvement Program

(1) Drivers who have reached 14 years of age but who have not yet reached 18 years of age are subject to the Provisional Driver Improvement Program. The Provisional Driver Improvement Program is designed to have a quick and immediate impact on young drivers who are convicted of traffic offenses or involved in preventable accidents. This rule applies to driver improvement violations and preventable accidents that occur when the driver is 14, 15, 16 or 17 years of age, and whose record review date occurs before the person has reached 18 years of age.

(2) On the record review date, DMV will review the person's driving record and restrict the driving privileges of any provisional driver who has:

- (a) Two driver improvement violations; or
- (b) Two preventable accidents; or
- (c) A combination of one driver improvement violation and one preventable accident.

(3) The following apply to provisional restrictions:

(a) DMV will restrict the license or instruction permit of a provisional driver to drive only to and from or for employment, with no passengers except their parent, stepparent or guardian;

(b) DMV will impose the restriction for a period of 90 days regardless of whether the driver becomes 18 years of age during the restriction period. DMV will notify the provisional driver by letter that the restriction will begin five days from the date of the letter. During the 90-day restriction period, the provisional driver must carry the restriction letter at all times while the person is driving a motor vehicle;

(c) A person who violates the Provisional Driver Improvement Program restriction, can be cited under ORS 807.010, operating in violation of license restrictions, which is a Class B traffic violation; and

(d) DMV will delay imposition of a restriction to driving privileges and place a pending restriction code on the person's driving record of any provisional driver:

(A) Whose driving privileges are cancelled, suspended or revoked until DMV grants driving privileges or fully reinstates driving privileges; or

(B) Who has not been granted driving privileges until DMV grants driving privileges in the form of a provisional driver license or instruction permit;

(C) Unless that provisional driver gets another driver improvement violation or preventable accident while under the age of 18. In that case, DMV will suspend the driving privileges or right to apply for driving privileges as set forth in subsection (6) of this rule. This suspension will supercede the pending restriction and the pending restriction code will be removed from the person's driving record.

(4) DMV may offer an interview with a DMV employee to a provisional driver whose driving privileges are restricted. The purpose of the interview is to re-evaluate the person's driving privilege based on a review of performance since the date of the incident that caused the restriction. Actions DMV may take after re-evaluating the person's performance include but are not limited to:

- (a) Lessening or increasing the severity or duration of the restriction;

(b) Requiring the completion, within 90 days of the interview, of a driver improvement course;

(c) Requiring the person to complete and pass all or some of DMV's driver license examinations (knowledge test, vision test and drive test) within 60 days from the date of the interview directing the person to complete the examination and to notify DMV of the completion. If the person fails any licensing examination, DMV will suspend the person's driving privileges or right to apply for driving privileges under ORS 809.419.

(5) DMV will suspend driving privileges or the right to apply for driving privileges if a provisional driver has an interview with a DMV employee and does not comply with any requirement imposed by DMV. If the requirement is to complete and pass all or some of DMV's driver license examinations, the suspension will continue until the provisional driver completes and passes all required examinations. For all other requirements imposed by DMV, the suspension will continue until the provisional driver fully complies with the requirement or for five years from the effective date of the suspension, whichever is earlier.

(6) DMV will suspend for six months the driving privileges or right to apply for driving privileges of any provisional driver who has:

- (a) Three driver improvement violations;
- (b) Three preventable accidents; or
- (c) A combination of driver improvement violations and preventable accidents that total three.

(7) For each subsequent driver improvement violation or preventable accident, DMV will suspend for six months the driving privileges or right to apply for driving privileges of a provisional driver, regardless of a previous or current Driver Improvement Program suspension(s), who has:

- (a) Four or more driver improvement violations;
- (b) Four or more preventable accidents; or
- (c) A combination of driver improvement violations and preventable accidents that total four or more.

(8) DMV will suspend for one year the driving privileges or the right to apply for driving privileges of a provisional driver convicted of any offense listed in ORS 809.600(1). This suspension is for Provisional Driver Improvement Program purposes and is in addition to any suspension or revocation imposed because of the specific conviction.

(9) The suspension period for those suspensions imposed under sections (6), (7) and (8) of this rule will be imposed for the full suspension period, regardless of whether the provisional driver becomes 18 years of age during the suspension period. A suspension of driving privileges or the right to apply for driving privileges under this rule shall run concurrently with any other suspension, revocation, or cancellation in effect at the time the suspension begins. This section is applicable to suspensions imposed on or after June 30, 2002.

Stat. Auth.: ORS 184.616, 184.619 & 809.480

Stats. Implemented: ORS 809.480

Hist.: DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 7-2003(Temp), f. 5-14-03, cert. ef. 5-15-03 thru 11-10-03; DMV 13-2003, f. & cert. ef. 9-22-03; DMV 19-2004, f. & cert. ef. 8-20-04

### 735-072-0027

#### Adult Driver Improvement Program

(1) A driver whose record review date is on or after the person has reached 18 years of age is subject to the Adult Driver Improvement Program. DMV will look back from the record review date to the incident date that resulted in a conviction or the date of a preventable accident to determine if a person is subject to the Adult Driver Improvement Program.

(2) DMV will restrict the license or instruction permit of an adult driver who within the 18-month period immediately prior to the record review date has:

- (a) Three driver improvement violations;
- (b) Three preventable accidents; or
- (c) A combination of driver improvement violations and preventable accidents that total three.

(3) The following apply to adult restrictions:

(a) DMV will restrict the license or instruction permit of an adult driver to no driving between the hours of 12 midnight and 5 a.m., unless driving between home and work or driving for purposes of employment;

(b) DMV will impose the restriction for a period of 30 days. DMV will notify the adult driver by letter that the restriction will begin 30 days from the date of the letter. During the restriction period, the adult driver must carry the restriction letter at all times the person is driving a motor vehicle; and

(c) DMV will delay imposition of a restriction to driving privileges and place a pending restriction code on the person's driving record of any adult driver:

(A) Whose driving privileges are cancelled, suspended or revoked until DMV grants driving privileges or fully reinstates driving privileges; or

(B) Who has not been granted driving privileges until DMV grants driving privileges in the form of a driver license or instruction permit;

(C) Unless that adult driver gets another driver improvement violation or preventable accident that would total four driver improvement violations or preventable accidents in a 24-month period prior to the record review date. In that case, DMV will suspend the driving privileges or right to apply for driving privileges. This suspension will supercede the pending restriction and the pending restriction code will be removed from the person's driving record.

(d) DMV will not impose a pending restriction to the driving privileges of an adult driver if:

(A) Five years have elapsed from the date the pending restriction was imposed; and

(B) The adult driver has no record of a driver improvement violation or preventable accident occurring in the last 18 months prior to the granting of driving privileges or full reinstatement of driving privileges.

(4) DMV will suspend the driving privileges or right to apply for driving privileges of an adult driver who within the 24-month period immediately prior to the record review date has:

(a) Four driver improvement violations;

(b) Four preventable accidents; or

(c) A combination of driver improvement violations and preventable accidents that total four.

(5) For each subsequent driver improvement violation or preventable accident, DMV will suspend the driving privileges or right to apply for driving privileges of an adult driver, regardless of a previous or current Driver Improvement Program suspension(s), who within the 24-month period immediately prior to the record review date has:

(a) Four or more driver improvement violations;

(b) Four or more preventable accidents;

(c) A combination of driver improvement violations and preventable accidents that total four or more.

(6) The suspension period under sections (3), (4) and (5) of this rule will be for 30 days. The suspension will run concurrently with any other suspension, revocations, or cancellations in effect at the time the suspension begins.

Stat. Auth.: ORS 184.616, 184.619 & 809.480

Stats. Implemented: ORS 809.480

Hist.: DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02; DMV 19-2004, f. & cert. ef. 8-20-04

### 735-072-0035

#### Driver Improvement Offenses

(1) The conviction for an offense listed below counts toward both the Provisional and Adult Driver Improvement Programs. It takes five convictions from the following list to equal one driver improvement violation. All other convictions counting in the Driver Improvement Programs are outlined in OAR 735-064-0220. [List not included. See ED. NOTE]

(2) Offenses from other states are posted to driver records using an AAMVAnet Code Dictionary (ACD) code. This section identifies the code that appears on the driver record, the type of code, a description of the offense and the ORS or administrative rule reference to the equivalent offense(s) in Oregon. The offenses listed below also count towards both the Provisional and Adult Driver Improvement Programs as described in section (1) of this rule. [List not included. See ED. NOTE]

[ED. NOTE: Lists referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619 & 809.480

Stat. Imp.: ORS 809.480

Hist.: DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02

### 735-072-0050

#### Rights to a Hearing or Administrative Review

Hearing and administrative review procedures for suspensions under OAR 735-072-0023 and 735-072-0027 are as established by ORS 809.440(1), (2) and (5).

(1) A person whose suspension is based solely on conviction records received from a court is entitled to an administrative review.

(2) A person whose suspension is based, in any part, on a report of a preventable accident is entitled to a contested case hearing.

Stat. Auth.: ORS 184.616, 184.619 & 809.480

Stats Implemented: ORS 809.480

Hist.: MV 24-1985, f. 12-31-85, ef. 1-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0325; MV 19-1991, f. & cert. ef. 9-18-91; DMV 29-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 12-2002, f. 6-24-02, cert. ef. 6-30-02

## DIVISION 74

### AT-RISK DRIVER PROGRAM — MANDATORY REPORT FOR MEDICAL PROFESSIONALS

### 735-074-0050

#### Policy and Objective

(1) It is the policy of DMV to promote safety for all persons who travel or otherwise use the public highways of this state.

(2) The underlying policy of the Department's rules on medically at-risk drivers is to preserve the independence, dignity, and self-esteem that result from providing one's own mobility, so long as it is possible to do so without risk to oneself or to others.

(3) It is therefore an objective of these rules to establish a program for the mandatory reporting to DMV of those drivers who have functional and cognitive impairments that may affect the person's driving ability.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.710

Stat. Implemented: ORS 807.710

Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

### 735-074-0060

#### Purpose

(1) DMV recognizes that some persons have, or may develop, cognitive or functional impairments that affect driving ability. DMV acknowledges that the purpose of Division 74 rules is to prevent injury or death by establishing requirements for the mandatory reporting by physicians and health care providers of those persons with severe and uncontrollable cognitive or functional impairments affecting a person's ability to safely operate a motor vehicle.

(2) Division 74 rules designate:

(a) Those physicians and health care providers required to report and the cognitive or functional impairments that must be reported to DMV under ORS 807.710;

(b) The procedures for making a mandatory report to DMV; and

(c) The procedures followed by DMV when it receives a report.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.710

Stat. Implemented: ORS 807.710

Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

### 735-074-0070

#### Authority to Obtain Medical Information and DMV Use of Medical Information

(1) DMV is authorized by law, ORS 807.710, to receive protected health information from covered health entities for the purpose of preventing injury which may be caused by drivers who are unable to safely operate a motor vehicle because of severe and uncontrollable cognitive or functional impairments. DMV is the state agency responsible for public health matters relating to the monitoring of drivers who may be ineligible for driving privileges because of a mental or physical disease or disability resulting in a cognitive or functional impairment that affects the driver's ability to safely operate a motor vehicle.

(2) DMV will use the medical information provided by physicians and health care providers only to determine whether or not a person can safely operate a motor vehicle and is qualified for driving privileges, and for taking any action deemed necessary by DMV. The protected health information required to be reported by these rules is the minimum necessary to accomplish the purposes of ORS 807.060, 807.090, 807.350, 807.710 and 809.410.

Stat. Auth.: ORS 184.616, 184.619 & 807.710  
 Stat. Implemented: ORS 807.710  
 Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03

**735-074-0080**

**Definitions**

(1) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(2) A "health care provider" is a person licensed, certified or otherwise authorized or permitted by law to administer health care in the State of Oregon. For purposes of these rules, the term health care provider is limited to: a chiropractic physician, naturopathic physician, nurse practitioner, occupational therapist, physical therapist, optometrist, physician assistant and podiatric physician or surgeon.

(3) "Immediate suspension or cancellation" means the suspension or cancellation of driving privileges or the right to apply for driving privileges before the person is given an opportunity for a hearing to contest the suspension or cancellation.

(4) "Mandatory reporting or a mandatory report" is a report of severe and uncontrollable cognitive or functional impairments, submitted by a physician or designated health care provider as mandated under ORS 807.710 and these rules. DMV also has a non-mandatory reporting program that can be used by anyone, including physicians and health care providers, that reports medical issues or driving behaviors that may affect the person's ability to safely operate a motor vehicle. The non-mandatory reporting program is outlined in OAR chapter 735, division 76.

(5) A "medical report form" is the form provided to a person or designated by DMV to be used to obtain medical information for determining if the person is eligible or qualified for driving privileges.

(6) A "physician" is a doctor of medicine or osteopathy licensed to practice medicine in the state of Oregon by the Board of Medical Examiners.

(7) A "primary care provider" is a physician or health care provider who is responsible for supervising, coordinating and providing a person's initial and ongoing health care. A primary care provider initiates referrals for health care outside of his or her scope of practice, consultations and specialist care to assure continuity of a person's medically appropriate health care.

(8) "Primary and secondary driving controls" mean the steering wheel, gas pedal, brake, clutch (if applicable), turn signal controls, headlight controls, windshield wiper controls, defrost control and horn of a motor vehicle.

(9) "Recertification" or "recertify" is the process for requiring the person to reestablish eligibility at periodic intervals by submitting updated medical or vision information and possibly proving that the mental or physical condition or impairment does not affect their ability to safely operate a motor vehicle by passing DMV tests, obtaining a Certificate of Eligibility, or both.

(10) "Severe" means that the impairment substantially limits a person's ability to perform activities of daily living, including driving, because it is not controlled or compensated for by medication, therapy, surgery or adaptive devices. Severe does not include a temporary impairment for which the person is being treated by a physician or health care provider and which is not expected to last more than six months.

(11) The "State Health Office" is the Public Health Office of the Oregon Department of Human Services.

(12) The "State Health Officer" is a physician appointed as the Public Health Officer who is responsible for the medical and paramedical aspects of the health programs within the Oregon Department of Human Services or his/her designee.

(13) "Uncontrollable" means the impairment cannot be controlled or compensated for by medication, therapy, surgery, or adaptive devices.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.710  
 Stat. Implemented: ORS 807.710  
 Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 14-2005, f. & cert. ef. 5-19-05; DMV 6-2006, f. & cert. ef. 5-25-06

**735-074-0090**

**Physicians and Health Care Providers Required to Report to DMV**

(1) If providing health care services to a person meeting the criteria set forth in OAR 735-074-0100 or 735-074-0110, the following

physicians and health care providers must submit a report to DMV as described in OAR 735-074-0120:

- (a) The person's primary care provider.
- (b) A physician or health care provider providing specialized or emergency health care services to a person who does not have a primary care provider.

(2) If a physician or health care provider is providing health care services based on a referral from the person's primary care provider, and the health care services relate to a cognitive or functional impairment meeting the criteria set forth in OAR 735-074-0110, the physician or health care provider does not need to submit a report to DMV if a finding, test results and/or treatment report is sent to the person's primary care provider. Upon receipt of findings, test results and/or a treatment report, the primary care provider must submit a report to DMV if the cognitive or functional impairment meets the criteria set forth in OAR 735-074-0110.

(3) An ophthalmologist or optometrist providing health care services to a person who does not meet the DMV vision standards set forth in OAR 735-062-0050 with corrective lenses or devices must:

- (a) Submit a report to DMV; or
- (b) Provide the findings or test results to the person's primary care provider. Upon receipt of findings from the ophthalmologist or optometrist, the primary care provider must submit a report to DMV.

Stat. Auth.: ORS 184.616, 184.619 & 807.710  
 Stat. Implemented: ORS 807.710  
 Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03

**735-074-0100**

**Report of Visual Acuity or Field of Vision not Meeting DMV Standards**

(1) A physician or health care provider must submit a report to DMV if providing health care services to a person whose vision does not meet the standards established in OAR 735-062-0050(2).

(2) Notwithstanding section (1) of this rule, a report is not required if by use of corrective lenses the person's vision meets DMV vision standards under OAR 735-062-0050 and a use of corrective lenses restriction is on the person's driver license. For purposes of this rule, corrective lenses do not include bioptic or telescopic lenses.

Stat. Auth.: ORS 184.616, 184.619 & 807.710  
 Stat. Implemented: ORS 807.710  
 Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03

**735-074-0110**

**Severe and Uncontrollable Impairments that must be Reported to DMV**

As required by OAR 735-074-0090, a physician or health care provider must submit a report, as described in OAR 735-074-0120, to DMV when providing health care services to a person, 14 years of age or older, and who has one or more of the following cognitive or functional impairments which is severe and uncontrollable:

(1) Functional impairments include **sensory impairments** affecting peripheral sensation of extremities, including but not limited to: tingling and numbness and loss of position sense in extremities affecting the ability to feel, grasp, manipulate or release objects or use foot controls effectively.

(2) Functional impairments include **motor impairments** affecting the following areas:

- (a) **Strength**, including but not limited to:
  - (A) The inability to consistently maintain a firm grip on objects;
  - (B) The inability to apply consistent pressure to objects with legs and feet;
  - (C) Weakness or paralysis of muscles affecting the ability to maintain sitting balance; or
  - (D) Weakness or paralysis in extremities affecting the ability to feel, grasp, manipulate or release objects or use foot controls effectively.
- (b) **Flexibility**, including but not limited to: rigidity or limited range of mobility in neck, torso, arms, legs or joints.
- (c) **Motor planning and coordination**, including but not limited to:
  - (A) Difficulty and slowness in initiating movement;
  - (B) Vertigo, dizziness, loss of balance or other motor planning conditions;
  - (C) Involuntary muscle movements; or
  - (D) Loss of muscle control.

- (3) **Cognitive impairments** affecting the following areas:
  - (a) **Attention**, including but not limited to:
    - (A) Decreased awareness;
    - (B) Reduction in the ability to efficiently switch attention between multiple objects; or
    - (C) Reduced processing speed.
  - (b) **Judgment and problem solving**, including but not limited to:
    - (A) Reduced processing speed;
    - (B) An inability to understand a cause and effect relationship; or
    - (C) A deficit in decision making ability.
  - (c) **Reaction time**, including but not limited to a delayed reaction time.
    - (d) **Planning and sequencing**, including but not limited to:
      - (A) A deficit in the ability to anticipate or react to changes in the environment; or
      - (B) Problems with sequencing activities.
    - (e) **Impulsivity**, including but not limited to:
      - (A) Lack of emotional control; or
      - (B) Lack of decision making skills.
    - (f) **Visuospatial**, including but not limited to problems determining spatial relationships.
      - (g) **Memory**, including but not limited to:
        - (A) Problems with confusion or memory loss; or
        - (B) A decreased working memory capacity.
      - (h) **Loss of consciousness or control**.
        - Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.710
        - Stat. Implemented: ORS 807.710
        - Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-074-0120**

**The Mandatory Report to DMV**

- (1) To report a functional or cognitive impairment as required by OAR 735-074-0110, the reporting physician or health care provider must complete and submit to DMV, a Mandatory Impairment Referral, DMV Form 7230.
- (2) To report visual acuity or field of vision not meeting DMV standards as required by OAR 735-074-0100, the reporting physician or health care provider must complete and submit to DMV, a Mandatory Impairment Referral, DMV Form 7230.
- (3) The form must contain the following information:
  - (a) The name, address, date of birth, sex, and Oregon driver license or identification card number (if known) of the person being reported;
  - (b) The functional or cognitive impairment(s) being reported, as described in OAR 735-074-0100 or 735-074-0110;
  - (c) A description of how the person reported is affected by the impairment;
  - (d) Any underlying medical diagnosis or condition that may be applicable;
  - (e) If applicable, the date of the person's last episode of loss of consciousness or control, date of cerebrovascular accident (CVA), cardiac event or alcohol/drug/inhalant use or relapse;
  - (f) If applicable, medication prescribed that may interfere with safe driving behaviors or medication prescribed to treat the impairment(s) reported; and
  - (g) The name, address, phone number, license or certification number and signature of the reporting physician or health care provider.

[ED. NOTE: Forms referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.710  
 Stat. Implemented: ORS 807.710  
 Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-074-0130**

**Standards for Identifying How Impairments Affect Driving**

- DMV determines that severe functional or cognitive impairments that are not correctable or controllable by medication, therapy, surgery or adaptive devices adversely affect a person's ability to safely operate a motor vehicle in the following manner:
- (1) **Sensory impairments:** Peripheral sensation of extremities causing tingling or numbness in extremities results in:
    - (a) The inability to firmly grasp, manipulate, operate and release primary and secondary driving controls resulting in momentary loss of control of the vehicle, in improper or delayed signal to other drivers

- that the vehicle is turning, changing lanes or stopping, or difficulty stopping the vehicle;
- (b) Difficulty gripping the steering wheel resulting in loss of ability to control the vehicle's lane position and turning motion;
- (c) Difficulty using foot controls effectively resulting in improper or delayed signal to other drivers that the vehicle is slowing or stopping, or difficulty stopping the vehicle.
- (2) **Motor impairments:**
  - (a) **Strength:**
    - (A) The inability to consistently maintain a firm grip on objects results in:
      - (i) Difficulty firmly gripping and turning a steering wheel resulting in loss of ability to safely control the vehicle's lane position and turning motion; and
      - (ii) A diminished capacity to operate primary and secondary driving controls resulting in reduced control over the vehicle and in improper or delayed signal to other drivers that the vehicle is turning, changing lanes or stopping, or inability to adjust highbeam headlights when necessary.
    - (B) The inability to apply consistent pressure to objects with legs or feet results in the inability to apply consistent pressure to the brake and gas pedals, resulting in difficulty or inability to maintain consistent speed or stop the vehicle.
    - (C) Weakness or paralysis of muscles affecting the ability to maintain sitting balance results in the danger of falling to one side during turns or other sudden motions resulting in the loss of vehicular control.
    - (D) Weakness or paralysis in extremities affecting the ability to feel, reach, grasp, manipulate or release objects or use foot controls effectively results in the inability to reach, grasp and operate primary and secondary driving controls resulting in difficulty controlling, turning or stopping a vehicle; failure to, or delay in, use of appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position, turning and a consistent speed.
  - (b) **Flexibility:** Rigidity and/or limited range of mobility in neck, torso, arms, legs or joints results in:
    - (A) The inability to reach, grasp and operate primary and secondary driving controls resulting in difficulty controlling, turning or stopping a vehicle; failure to, or delay in, use of appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position, turning and a consistent speed; and
    - (B) Difficulty turning the head to check the blind spot prior to a lane change, and to observe vehicles or pedestrians entering the roadway or when merging with traffic.
  - (c) **Motor planning and coordination:**
    - (A) Difficulty and slowness in initiating movement results in:
      - (i) The inability to simultaneously operate primary and secondary controls resulting in difficulty controlling, turning or stopping a vehicle; failure to, or delay in, use of appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position or consistent speed, and difficulty performing turning maneuvers;
      - (ii) Delay in responding to the position of other vehicles that are changing lanes, are in the oncoming lane of traffic or are entering the roadway; and
      - (iii) Delay in responding to changing traffic control devices or changing traffic conditions.
    - (B) Vertigo, dizziness, loss of balance or other motor planning conditions results in:
      - (i) Difficulty maintaining lane position and control of the vehicle; and
      - (ii) Improper braking and/or accelerating behavior in response to changing traffic conditions.
    - (C) Involuntary muscle movements results in:
      - (i) The inability to coordinate the fine motor movements needed to operate primary and secondary driving controls resulting in difficulty controlling, turning or stopping a vehicle; failure to, or delay in, use of appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position or consistent speed, and difficulty performing turning maneuvers; and
      - (ii) The inadvertent activation of the brake or gas pedal resulting in inconsistent speed or improper braking of the vehicle.
    - (D) Loss of muscle control results in:
      - (i) Loss of ability to use arms and/or legs in operating primary and secondary driving controls resulting in difficulty controlling, turn-

ing or stopping a vehicle; delayed use or failure to use appropriate signals for turning, changing lanes or stopping; or difficulty maintaining lane position or consistent speed, and difficulty performing turning maneuvers; and

(ii) The inability to maintain safe control of a vehicle for prolonged distances.

(3) **Cognitive impairments:**

(a) **Attention:**

(A) Decreased awareness results in:

(i) Distraction or disorientation while driving;

(ii) Difficulty maintaining control of a vehicle for prolonged distances;

(iii) Delay in timely response to traffic control devices or directives;

(iv) Delay in timely response to changes in traffic conditions, traffic hazards and emergencies; and

(v) Delay in observing and responding to the position of other vehicles that are changing lanes, are in the oncoming lane of traffic or entering the roadway.

(B) A reduction in the ability to efficiently switch attention between multiple objects results in:

(i) Delay in observing and reacting to road hazards, vehicles changing lanes or vehicles entering the roadway; and

(ii) The inability to simultaneously manipulate vehicle controls and watch the roadway.

(C) Reduced processing speed results in:

(i) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies;

(ii) Delay in observing and reacting to road hazards, vehicles changing lanes or vehicles entering the roadway; and

(iii) Delay in timely response to traffic control devices or directives.

(b) **Judgment and problem solving:**

(A) Reduced processing speed results in:

(i) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies;

(ii) Delay in observing and reacting to road hazards, vehicles changing lanes or vehicles entering the roadway; and

(iii) Delay in timely response to traffic control devices or directives.

(B) An inability to understand the cause and effect relationship results in:

(i) The inability to anticipate the probable outcome in various driving situations resulting in delayed or no response to changes in traffic conditions, traffic hazard and emergencies, vehicles changing lanes, or vehicles, pedestrians or bicycles enter the roadway; and

(ii) Improper or delayed signal to other drivers that the vehicle is turning, changing lanes or stopping.

(C) A deficit in decision-making ability results in:

(i) Delay in timely response to traffic control devices or directives; and

(ii) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies.

(c) **Delayed reaction time** results in:

(A) Delay in observing and reacting to road hazard, vehicles changing lanes or vehicles, pedestrians or bicycles entering the roadway; and

(B) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies.

(d) **Planning and sequencing:**

(A) A deficit in the ability to anticipate and/or react to changes in the environment results in:

(i) Delay in observing and reacting to road hazard, vehicles changing lanes or vehicles, pedestrians or bicycles entering the roadway; and

(ii) Delay in timely response to changes in traffic conditions, and traffic hazards and emergencies.

(B) Problems with sequencing activities results in:

(i) Difficulty planning and safely maneuvering a driving route;

(ii) Frequently becoming lost, confused and unable to find the way from one location to another while driving resulting in panic and sudden, irrational changes in direction or loss of control of the vehicle.

(e) **Impulsivity:**

(A) Lack of emotional control results in inappropriate emotional outbursts that can cause road rage and results in aggressive driving behaviors such as speeding, following too closely, not checking the intersection before entering when a light changes to green and cutting in and out of traffic.

(B) Lack of decision making skills results in:

(i) Delay in timely response to traffic control devices or directives;

(ii) Difficulty planning driving routes resulting in rapid lane changes, or unsignaled or dangerous turns; and

(iii) Delay in observing and reacting to road hazard, vehicles changing lanes or vehicles, pedestrians or bicycles entering the roadway.

(f) **Visuospatial:** Problems determining spatial relationships result in:

(A) Difficulty maintaining lane position, merging with traffic or changing lanes;

(B) Difficulty observing and delay in responding to the position of other vehicles driving on the roadway, the position of roadway curbs, and the position of parked vehicles alongside the roadway; and

(C) Difficulty positioning a vehicle while turning, maneuvering curves or parking.

(g) **Memory:**

(A) Problems with confusion and/or memory loss result in:

(i) Frequently becoming lost, confused and unable to find the way from one location to another while driving resulting in panic and sudden, irrational changes in direction or loss of control of the vehicle;

(ii) Failure or delay in observing and responding to traffic control devices and directives;

(iii) The inability to consistently perform safe driving techniques;

(iv) A lack of attention to other traffic;

(v) Abrupt lane changes without looking for other traffic;

(vi) Turning in front of an oncoming vehicle; and

(vii) Drifting in and out of traffic lane.

(B) A decreased working memory capacity results in:

(i) Frustration and confusion causing abrupt, unplanned or unsignaled turning, lane changes or stopping;

(ii) The necessity for instruction from a passenger on proper driving techniques; and

(iii) Lack of attention to other traffic.

(h) **Loss of consciousness or control** while driving results in loss of vehicle control.

Stat. Auth.: ORS 184.616, 184.619 & 807.710

Stat. Implemented: ORS 807.710

Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03

**735-074-0140**

**DMV Response to Mandatory Report — Suspension, Opportunity to Re-Test, Reinstatement**

(1) DMV will review a report received under OAR 735-074-0120 to determine if sufficient information has been provided. If the report does not contain the information required by OAR 735-074-0120 it may be returned to the reporting physician or health care provider for completion. If the report does not meet the requirements of a mandatory report, but if the report is of a possible mental or physical condition or impairment that indicates the person is no longer qualified to hold a driver license, driver permit or endorsement or may no longer be able to drive safely, DMV will review the report under the non-mandatory program described in OAR chapter 735, division 76 to determine what action, if any, is appropriate. If DMV is unable to determine from the report whether the person is able to safely operate a motor vehicle, the report will be submitted to the State Health Office for review.

(2) Using the standards set forth in OAR 735-074-0130, or upon recommendation of the State Health Officer, DMV will suspend driving privileges or the right to apply for driving privileges under ORS 809.419(3), if it is determined from the report submitted under OAR 735-074-0120 that the person has a mental or physical condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highways. Driving privileges or the right to apply for driving privileges will be immediately suspended if DMV has reason to believe the person may endanger people or property if not immediately suspended.

(3) If DMV receives a report that indicates that a person's vision does not meet the vision standards set forth in OAR 735-062-0050,



DMV will immediately suspend the person's driving privileges or right to apply for driving privileges under ORS 809.419(3). To be eligible for reinstatement of driving privileges the person must: submit proof from a licensed optometrist or physician who specializes in the diagnosis and treatment of eye diseases that the person's vision, with or without corrective lenses, meets the vision standards set forth in OAR 735-062-0050, and pass a knowledge and drive test. Proof that vision meets DMV standards is only valid for six months from the date DMV receives the Certificate of Vision form and the person must pass the knowledge and drive test within this time period for reinstatement of driving privileges.

(4) A person whose driving privileges and right to apply for driving privileges are suspended because of a functional impairment may request to be tested by DMV to demonstrate that notwithstanding the impairment, the person is qualified to safely operate a motor vehicle. If the request is granted, DMV will administer a vision screening under OAR 735-062-0050, a knowledge test under OAR 735-062-0040 and a DMV drive test under OAR 735-062-0070. DMV will deny the request if it has reason to believe the person is unable to safely operate a motor vehicle during a drive test. If the request is denied, DMV may give the person tests if the person:

- (a) Obtains a Certificate of Eligibility from the State Health Officer;
- (b) Submits proof of successful completion of a driver rehabilitation program conducted by a rehabilitation specialist;
- (c) Submits proof of successful completion of a driver training course conducted by an ODOT certified commercial driver training school; or
- (d) Submits proof that the person's motor vehicle is equipped with an appropriate adaptive device(s), such as hand controls, and provides documentation that the person knows how to use and has practiced with the adaptive device(s).

(5) A person whose driving privileges and right to apply for driving privileges are suspended because of a cognitive impairment or a cognitive impairment in conjunction with a functional impairment reported under OAR 735-074-0110 may request to be tested by DMV to demonstrate that notwithstanding the disorder or the impairment, the person is qualified to safely operate a motor vehicle. Before DMV will grant the request to be tested, the person must obtain a Certificate of Eligibility from the State Health Officer. If the Certificate of Eligibility is obtained, the person must pass a vision screening under OAR 735-062-0050, a knowledge test under OAR 735-062-0040 and a DMV drive test under OAR 735-062-0070.

(6) The following apply to a request for testing under sections (4) and (5) of this rule:

- (a) The request must be made by contacting DMV headquarters; and
- (b) For a cognitive impairment or a cognitive impairment in conjunction with a functional impairment, testing must be completed within six months of the date of the DMV receives the Certificate of Eligibility from the State Health Officer.

(7) DMV may issue a no-fee identification card if a person whose driving privileges are suspended pursuant to this rule, voluntarily surrenders his or her valid driver license or driver permit.

(8) DMV will notify the reporting physician or health care provider if the person's driving privileges are reinstated.

(9) If the person reinstates his or her driving privileges, DMV may require the person to provide periodic medical information based on the recommendation of the State Health Officer or obtain periodic vision exams based on the recommendation of the person's vision specialist. DMV may send the Medical Impairment Referral and case file to the State Health Officer for review on those with functional impairments who are reinstated for determination of whether the person should be medically recertified at a later date. The State Health Officer will include a determination if medical re-certification is needed on cognitive impairments at the time a determination on testing is made. If periodic medical information is required, DMV will send the person a Medical Impairment Recertification form and require the person to obtain information from his or her physician, nurse practitioner or physician assistant and return that to DMV within 30 days of the date on the requirement letter. If a periodic vision exam must be obtained, DMV will send the person a Certificate of Vision form which must be completed by the person's vision specialist and returned to DMV within 30 days of the date on the requirement letter.

(10) A person may be required to successfully complete DMV testing or may have driving privileges suspended based on information contained in the Medical Impairment Recertification form or periodic vision information report submitted under section (9) of this rule.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340, 807.710 & 809.419

Stat. Implemented: ORS 807.340 & 807.710

Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 1-2005, f. & cert. ef. 1-20-05;

DMV 6-2006, f. & cert. ef. 5-25-06

**735-074-0180**

**When a Suspension or Cancellation of Driving Privilege Occurs**

(1) DMV may issue an immediate suspension of driving privileges in the following situations:

(a) As set forth in OAR 735-074-0140, if DMV has reason to believe from the information provided in a mandatory report submitted under 735-074-0120 that the person may endanger people or property if not immediately suspended;

(b) The State Health Officer, upon review of medical information on a driver, recommends an immediate suspension;

(c) Information contained in a required Medical Impairment Recertification form submitted as required under OAR 735-074-0140 indicates that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle and DMV has reason to believe the person may endanger people or property if not immediately suspended; or

(d) Information contained in a required Certificate of Vision form submitted as required under OAR 735-074-0140 indicates the person's vision does not meet minimum vision standards under OAR 735-062-0050 and DMV has reason to believe the person may endanger people or property if not immediately suspended.

(2) DMV will immediately cancel a person's driving privileges if DMV has reason to believe that the person may endanger people or property if not immediately canceled. If DMV has reason to believe a person is unable to safely operate a motor vehicle and may endanger people or property, DMV may immediately cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220.

(3) DMV may cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220 if:

(a) The person's vision does not meet the minimum vision standards set forth in OAR 735-062-0050;

(b) DMV determines the person no longer meets the qualifications for a driver license, driver permit or endorsement because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway or a problem condition involving alcohol, inhalants or controlled substances; or

(c) The person is denied a drive test by DMV or the State Health Officer because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340, 807.350 & 809.419

Stat. Implemented: ORS 807.350 & 809.410

Hist.: MV 19-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0410; MV 14-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 14-2002, f. 8-14-02 cert. ef. 9-1-02; DMV 24-2002, f. 12-13-02 cert. ef. 1-1-03; DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; Renumbered from 735-074-0020; DMV 1-2005, f. & cert. ef. 1-20-05; DMV 14-2005, f. & cert. ef. 5-19-05; DMV 6-2006, f. & cert. ef. 5-25-06

**735-074-0190**

**Tests Required**

Tests required under these rules may include one or more of the following:

(1) A knowledge test for the class of license and endorsement(s) held;

(2) A vision screening;

(3) A drive test for the class of license held including any endorsement(s); or

(4) Any other examination or test that DMV determines may be necessary in establishing eligibility or fitness to operate a motor vehicle (e.g., special drive test for basic needs license).

Stat. Auth.: ORS 184.616, 184.619 & 807.340

Stat. Implemented: ORS 807.070 & 807.340

Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03

**735-074-0200**

**Testing Process**

(1) The driver must test in the driver's current license class, unless the driver voluntarily chooses to test for a lower class of license.

(2) Before DMV may conduct a drive test, the person must successfully complete all other required tests.

(3) The waiting periods between knowledge or drive tests are listed in OAR 735-062-0040 and 735-062-0070, respectively.

(4) As set forth in OAR 735-062-0073, DMV may refuse to conduct or continue a drive test if a DMV employee reasonably believes that the person is likely to endanger persons or property while being tested. Further testing may be denied and driving privileges cancelled if DMV determines the person is likely to endanger persons or property during subsequent testing.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.340

Stat. Implemented: ORS 807.070 & 807.340

Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-074-0210**

**Restricted Licenses**

(1) DMV may issue a restricted license to a person who passes the required tests when DMV determines a restriction on the license is necessary to insure the safe operation of a motor vehicle by the person. These restrictions may include but are not limited to the following:

- (a) Daylight driving only;
- (b) Driving only on a certain, restricted route;
- (c) Driving only during certain hours of the day; or
- (d) Driving only with certain vehicle equipment or adaptive devices.

(2) A person whose driving privileges or right to apply for driving privileges are suspended under Division 74 rules, who is otherwise eligible for driving privileges, may obtain a 60-day restricted license for the express purpose of taking driving lessons, if DMV determines that with driving lessons the person may learn to safely operate a motor vehicle. The person must provide sufficient information to show that there is a reasonable likelihood that driving lessons will improve the person's ability to safely operate a motor vehicle. Such information may include, but is not limited to, medical information, information from a rehabilitation specialist that the person may benefit from lessons to learn to use an adaptive device or technique or an affidavit from a person with information showing that with driving lessons the applicant is likely to learn to safely operate a motor vehicle. The suspension will be rescinded for the 60-day period the restricted license is valid. Driving lessons must be provided by a commercial driving instructor, a rehabilitation specialist or other licensed driver approved by DMV as an instructor. The restricted license will only allow the person to drive with an instructor during instruction. No other driving, under any circumstances, will be allowed by the restricted license. The person must pass a DMV vision screening or submit a Certificate of Vision showing that the person's vision does meet DMV standards and pass a DMV knowledge test before DMV will issue a restricted license to take lessons. To be eligible for a DMV drive test, the person must provide a report from the driving instructor that the person has demonstrated the physical, mental and social driving skills necessary to safely operate a motor vehicle. A restricted license issued under this section shall include a notification that at the end of the 60-day period the suspension will be reinstated without further notice if the person has not successfully passed a driving test given by a DMV employee.

(3) If, at the end of the 60-day restricted license period under section (2) of this rule, the person has not successfully completed a driving test given by a DMV employee, DMV will reinstate the suspension of the person's driving privileges and right to apply for driving privileges. When a suspension is reinstated under this section, DMV is not required to provide the person with further notice or an opportunity for a contested case hearing.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120

Stat. Implemented: ORS 807.120

Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-074-0212**

**Restricted Applicant Temporary Permit**

(1) If a person's driving privileges are cancelled under the At-Risk Program, and the driver is denied further testing under OAR 735-062-0073, the person may apply for a 60-day restricted applicant temporary permit for the express purpose of taking driving lessons if DMV

determines that with driving lessons the person may learn to safely operate a motor vehicle.

(2) The applicant for a permit must provide sufficient information to show that there is a reasonable likelihood that driving lessons will improve the person's ability to safely operate a motor vehicle. Such information may include, but is not limited to:

- (a) Medical information;
- (b) Information from a rehabilitation specialist that the person may benefit from lessons to learn to use an adaptive device or technique; or
- (c) An affidavit from a person(s) with information to show that with driving lessons the applicant is likely to learn to safely operate a motor vehicle.

(3) Driving lessons must be provided by a certified commercial driving instructor, rehabilitation specialist or other licensed driver approved by DMV as an instructor.

(4) The permit restriction only allows the person to drive with an instructor during driving lessons and at no other time.

(5) To be eligible for a restricted permit the person must:

- (a) Apply for driving privileges;
- (b) Pass a DMV vision screening or submit a Certificate of Vision showing that the person's vision meets DMV standards; and
- (c) Pass a DMV knowledge test.

(6) To be eligible for a DMV drive test, the person must provide a report from the driving instructor that the person has demonstrated the physical, mental and social driving skills necessary to safely operate a motor vehicle.

(7) A restricted permit issued under this rule will include a notification that at the end of the 60-day period the permit expires and the person no longer has driving privileges until he or she has successfully passed a DMV driving test and is eligible for driving privileges.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120, 807.310, 807.340

Stats. Implemented: ORS 807.120, 807.310, 807.340

Hist.: DMV 6-2006, f. & cert. ef. 5-25-06

**735-074-0220**

**Hearing Request for Suspension or Cancellation of Driving Privileges Under Division 74 and Division 76 Rules**

A person issued a notice of suspension or cancellation under these rules has the right to request a contested case hearing. The following apply to a hearing request:

(1) Except as provided in section (2) of this rule, a person issued a notice of suspension or cancellation under these rules must request a hearing within 20 days from the date on the notice. Except as provided in section (2) of this rule, the suspension or cancellation will not go into effect pending the outcome of the hearing.

(2) A person issued a notice of an immediate suspension or an immediate cancellation must request a hearing within 90 days from the date on the notice. The suspension or cancellation will remain in effect and will not be rescinded or stayed by DMV pending the outcome of the hearing.

(3) A hearing request must be in writing and must include:

- (a) The person's full name;
- (b) The person's complete mailing address;
- (c) The person's Oregon driver license number; and
- (d) A brief statement of the issues the person proposes to raise at the hearing.

(4) A hearing request should also include:

- (a) The person's date of birth;
- (b) The telephone number where the person can be reached between 8 a.m. and 5 p.m.; and
- (c) The dates and times the person or the person's attorney cannot appear at a hearing.

(5) The administrative law judge must give DMV sufficient opportunity to obtain and present in the contested case hearing any testimony or documents deemed necessary by the agency to respond to evidence offered by the person on any factual or legal defense.

(6) In order for a request for hearing to be timely, the request must be postmarked or received by DMV within the time periods established in sections (1) and (2) of this rule. If the request for hearing is not timely received, the person waives his or her right to a hearing, except as provided in OAR 137-003-0528. The time periods will be computed as set forth in OAR 137-003-0520(8).

(7) To be received by DMV, the hearing request must be:

- (a) Personally delivered to DMV Headquarters, 1905 Lana Avenue NE, Salem, OR;

(b) Delivered by mail to DMV Headquarters, 1905 Lana Avenue NE, Salem OR 97314; or

(c) Received by facsimile machine at FAX number (503) 945-5521.

Stat. Auth.: ORS 184.616, 184.619 & 809.440

Stat. Implemented: ORS 809.440

Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 23-2004, f. & cert. ef. 11-17-04

**735-074-0260**

**Medical Standards for Drivers of Commercial Motor Vehicles**

(1) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) adopts the United States Department of Transportation regulations contained in 49 CFR § 391.41 through 391.49 (2007) pertaining to physical qualifications and medical examination of drivers of commercial motor vehicles. Except as provided in section (2) of this rule, to qualify for a Class A, B, or C commercial driver license a person must obtain an approved medical certificate meeting the requirements of these federal regulations.

(2) DMV may issue a Class A, B, or C commercial driver license to a person who does not qualify for a medical certificate under section (1) of this rule if the person is issued:

(a) A Waiver of Physical Disqualification, by DMV under OAR 735-063-0070;

(b) An exemption by the Federal Motor Carrier Safety Administration pursuant to 49 USC § 31136 and 31135, and 49 CFR § 381.300 to 381.330; or

(c) A Skill Performance Evaluation Certificate issued by the Federal Motor Carrier Safety Administration pursuant to 49 CFR § 391.49.

(3) DMV will issue a restricted Class A, B or C commercial driver license if a Skill Performance Evaluation Certificate, the waiver or exemption described in section (2) of this rule indicate any applicable restrictions, conditions or limitations for issuance of a commercial license.

(4) DMV will suspend a Class A, B or C commercial driver license if a Waiver of Physical Disqualification is suspended or revoked for any reason or for any length of time.

(5) DMV will suspend a Class A, B or C commercial driver license if notified that the Federal Motor Carrier Safety Administration (FMCSA) has revoked the Skill Performance Evaluation Certificate issued to the driver under the provisions of 49 CFR § 391.49.

(6) DMV will suspend a Class A, B or C commercial driver license if notified that FMCSA has revoked an exemption to physical qualifications issued to a driver under the provisions of 49 U.S.C. § 31135 and 31136(e) and 49 CFR § 381.300 to 381.330.

(7) A person suspended under section (4), (5), or (6) of this rule may reinstate commercial driving privileges if the person obtains a medical certificate as described in section (1) of this rule or is reissued a waiver by DMV or an exemption or Skill Performance Evaluation by FMCSA as described in section (2) of this rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0730; MV 24-1988, f. & cert. ef. 7-1-88; MV 6-1990, f. & cert. ef. 4-2-90; MV 11-1992, f. & cert. ef. 9-28-92; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0140; DMV 2-2005, f. 1-20-05, cert. ef. 1-31-05; DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

**735-074-0270**

**Who Must Have an Approved Medical Certificate**

(1) A person with a Class A, B, or C commercial license who drives any Class A, B, or C commercial motor vehicle must have an approved medical certificate in their immediate possession.

(2) To be an approved medical certificate:

(a) It must be listed in OAR 735-074-0280; and

(b) The date of examination indicated on the medical certificate must not be more than two years prior to the date of the operation of the vehicle.

(3) A person who does not have a valid medical certificate approved by the Driver and Motor Vehicle Services Division of the Department of Transportation may drive only non-commercial vehicles even if the person has a Class A, B, or C commercial driver license.

Stat. Auth.: ORS 184.616, 184.619 & 807.040

Stats. Implemented: ORS 807.040 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0740; MV 6-1990, f. & cert. ef. 4-2-90; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0150

**735-074-0280**

**Approved Medical Certificates**

(1) DMV approves the following as medical certificates for use when driving Class A, B, or C commercial motor vehicles within Oregon:

(a) A medical certificate that complies with Title 49, Chapter III, Sections 391.41 through 391.49, of the Federal Motor Carrier Safety Regulations. Compliance with these requirements must be explicitly stated on the medical certificate issued; or

(b) An Oregon School Bus Driver's Certificate or Oregon School Bus Driver's Permit (issued by the Oregon Department of Education).

(2) If indicated as required for compliance, the medical certificate described in section (1)(a) of this rule must also include:

(a) Waiver of Physical Disqualification (issued by DMV);

(b) A Skill Performance Evaluation Certificate issued by the Federal Motor Carrier Safety Administration; or

(c) An exemption issued by the Federal Motor Carrier Safety Administration.

Stat. Auth.: ORS 184.616, ORS 184.619, 802.010, 807.040

Stats. Implemented: ORS 807.040 & 807.100

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; MV 4-1987, f. & ef. 5-18-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0750; MV 24-1988, f. & cert. ef. 7-1-88; MV 24-1989, f. & cert. ef. 10-3-89; MV 6-1990, f. & cert. ef. 4-2-90; MV 16-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 16-2003, f. & cert. ef. 11-18-03; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0160; DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

**735-074-0290**

**Medical Certificate Procedures**

(1) DMV will issue a Class A, B, or C commercial driver permit or license only to applicants who present an approved medical certificate and, if required, a Waiver of Physical Disqualification, an exemption or Skill Performance Evaluation Certificate issued by the Federal Motor Carrier Safety Administration, when applying for an original or renewal of a Class A, B, or C commercial permit or driver license.

(2) To be an approved medical certificate, it must be:

(a) Listed in OAR 735-074-0280;

(b) Issued within two years of the date of the application for license and not expired; and

(c) Accompanied by a current waiver, exemption or Skill Performance Evaluation Certificate, if indicated on the medical certificate.

(3) An applicant for a Class A, B, or C commercial driver license used in interstate commerce must also certify on the application or renewal form that he or she meets all of the driver qualification requirements as required by § 383.71(a) and § 383.71(c)(1) of the Federal Motor Carrier Safety Regulations (FMCSR) of the U.S. Department of Transportation (codified at 49 CFR § 383.71).

(4) DMV may issue a Class C or Class C restricted driver license to a person who applies for the renewal of a Class A, B, or C commercial driver license if the person does not present an approved medical certificate as required or fails to certify he or she meets the driver qualification requirements as required in subsections (3) and (4) of this rule. The lower class of license issued shall be the class requested by the applicant.

(5) A driver who needs to replace a medical certificate because it is lost, mutilated, or destroyed may obtain a duplicate from the same source from which they obtained the original medical certificate.

(6) DMV is not responsible for any expenses an applicant may incur from the acquisition of an approved medical certificate or duplicate medical certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040, 807.100 & 807.150

Hist.: MV 11-1986, f. 6-27-86, ef. 7-1-86; Administrative Renumbering 3-1988, Renumbered from 735-031-0760; MV 4-1987, f. & ef. 5-18-87; MV 6-1990, f. & cert. ef. 4-2-90; DMV 11-1998, f. & cert. ef. 9-14-98; DMV 16-2003, f. & cert. ef. 11-18-03, Renumbered from 735-060-0170; DMV 9-2007(Temp), f. & cert. ef. 9-17-07 thru 3-14-08

**DIVISION 76**

**AT-RISK DRIVER PROGRAM — NON-MANDATORY REPORTING**

**735-076-0000**

**Policy, Objective and Purpose of the At-Risk Program – Non-Mandatory Reporting**

(1) It is the policy of DMV to promote safety for all persons who travel or otherwise use the public highways of this state.

(2) The underlying policy of the Department's rules on at-risk drivers is to preserve the independence, dignity, and self-esteem that result from providing one's own mobility, so long as it is possible to do so without risk to oneself or to others.

(3) It is therefore an objective of these rules to establish a program for the non-mandatory reporting to DMV of those drivers who have a mental or physical condition or impairment that may affect driving ability, or drivers who have demonstrated unsafe or dangerous driving behaviors.

(4) DMV may receive information that indicates a person may no longer be qualified to hold a driver license, driver permit or endorsement or may no longer be able to drive safely. This information may come from many sources, including a physician or health care provider, a family member, friend or neighbor, a report from a police officer or a court, a DMV representative or a self-report on a driver license issuance, renewal or replacement application. Some of these reports may describe a possible mental or physical condition or impairment, a vision problem, or a possible problem condition involving alcohol, inhalants or controlled substances that indicates the person is no longer qualified to hold a driver license, driver permit or endorsement. Other reports may only describe unsafe or dangerous driving behavior that indicates the person is not able to drive safely. These rules provide procedures for the review of non-mandatory reports, the obtaining of required information necessary to determine if a driver remains qualified for driving privileges and the taking of necessary action when a determination is made that the driver is no longer qualified for driving privileges.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
 Stats. Implemented: ORS 807.340  
 Hist.: MV 19-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0440; DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0002**

**Definitions**

(1) "Certificate of Eligibility" is the form provided to DMV by the State Health Officer establishing that the person's mental or physical condition or impairment does not affect the person's ability to safely operate a motor vehicle.

(2) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(3) "Health care provider" is a person licensed, certified or otherwise authorized or permitted by law to administer health care in the State of Oregon. For purposes of these rules, the term health care provider is limited to: a chiropractic physician, naturopathic physician, nurse practitioner, occupational therapist, physical therapist, optometrist, physician assistant and podiatric physician or surgeon.

(4) "Immediate suspension" means the suspension of driving privileges or the right to apply for driving privileges before the person is given an opportunity for a hearing to contest the suspension.

(5) A "medical report form" is the form provided to a person or designated by DMV to be used to obtain medical information for determining if the person is eligible or qualified for driving privileges.

(6) "Non-mandatory reporting or a non-mandatory report" is a voluntary report to DMV of either a medical condition or impairment that may affect a driver's ability to safely operate a motor vehicle, or a report of actual driving behavior that may indicate the person is no longer able to safely operate a motor vehicle. A non-mandatory report does not include a report that must be filed by a physician or health care provider as required under OAR chapter 735, division 74 of a severe and uncontrollable impairment that affects a person's ability to safely operate a motor vehicle.

(7) A "physician" is a doctor of medicine or osteopathy licensed to practice medicine in the state of Oregon by the Board of Medical Examiners.

(8) "Problem condition involving alcohol, inhalants or controlled substances" has the meaning set forth in ORS 813.040.

(9) "Recertification" or "recertify" is the process for requiring the person to reestablish eligibility for driving privileges at periodic intervals by submitting a medical report form, or by submitting a Certificate of Vision form (DMV form 24) or passing a DMV vision screening. The process may also include DMV tests, a Certificate of Eligibility, or both, if determined necessary by DMV.

(10) The "State Health Officer" is a physician appointed as the Public Health Officer who is responsible for medical and paramedical

aspects of the health programs within the Oregon Department of Human Services or his/her designee.

(11) "Tests" are examinations under ORS 807.070 that establish a person's eligibility for driving privileges. Tests include a DMV vision screening, a knowledge test and a drive test.

(12) "Unsafe or dangerous driving behavior" means a driver is unable to perform basic driving tasks in a safe and competent manner. Examples include, but are not limited to, the following:

(a) The driver is prevented from causing an accident by an evasive maneuver by another driver(s);

(b) The driver impedes traffic or fails to yield the right of way, such as: driving too slowly; driving in more than one lane of traffic; turning from the wrong lane; or turning into the wrong lane; and

(c) Failure to obey or difficulty obeying a traffic control device, such as: running a red light or stop sign; stopping beyond the designated stop line at a traffic light or stop sign; failing to stop for a pedestrian in a marked crosswalk; or driving the wrong way on a one-way street.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
 Stats. Implemented: ORS 807.340  
 Hist.: DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0005**

**Reporting Requirements**

(1) In order for DMV to process a non-mandatory report that indicates a person may no longer be qualified for driving privileges or may no longer be able to safely operate a motor vehicle, it must contain:

(a) The name of the person making the report, including a signature;

(b) The name and date of birth of the person being reported or a description of the person sufficient for DMV to identify the reported person from its records; and

(c) Sufficient information to give DMV reason to believe the person may no longer be qualified to hold a driver license, driver permit, or endorsement or may no longer be able to drive safely. For purposes of this rule, sufficient information includes but is not limited to:

(A) A physician or health care provider report of a physical or mental condition or impairment that is not reportable as required under OAR chapter 735 division 74 and includes a description of how the person's ability to drive safely may be affected;

(B) A report of a physical or mental condition or impairment, and a description of how the person's ability to safely operate a motor vehicle is affected; or a description of unsafe or dangerous driving behavior;

(C) A report by a police officer, physician or health care provider where a physical or mental condition or impairment is stated as a cause or possible cause of a crash or unsafe or dangerous driving behavior;

(D) A self-report on a driver's license/permit issuance, renewal or replacement application of a vision problem affecting driving and failure to pass a DMV administered vision screening;

(E) A self-report on a driver's license/permit issuance, renewal or replacement application of a mental or physical condition or impairment affecting the person's ability to drive safely;

(F) A self-report on a driver's license/permit issuance, renewal or replacement application of a problem condition involving alcohol, inhalants or controlled substances affecting the person's ability to drive safely; or

(G) A report of unsafe or dangerous driving behavior and DMV has reason to believe the driving behavior is likely to recur or similar driving behavior has previously been reported to DMV.

(2) All written documentation voluntarily submitted under this rule, including the name of the person submitting the documentation, will be kept confidential and not released to any person unless:

(a) DMV determines the documentation, or any portion thereof, must be released pursuant to the Public Records Law, ORS 192.410 to 192.505, or the Attorney General or a court orders disclosure in accordance with the Public Records Law; or

(b) The documentation is determined by DMV to be necessary evidence in an administrative proceeding involving the suspension or cancellation of the person's driving privileges or right to apply for driving privileges.

(3) Before taking action, DMV may request more information from the person making the report if DMV has reason to believe the information provided is inaccurate or inadequate.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
 Stat. Implemented: ORS 807.340  
 Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0007**

**DMV Response to Non-Mandatory Report**

DMV will review a non-mandatory report meeting the requirements under OAR 735-076-0005 to determine the appropriate action to take, which may include any or all of the following:

(1) No action if the report does not give DMV reason to believe the person being reported is no longer qualified to hold a driver license, driver permit, or endorsement or is no longer able to drive safely. This includes a report from a physician or health care provider indicating the condition or impairment is not likely to recur or does not affect the person's ability to drive safely, or a report of driving behavior that reports a single incident with no indication of a mental or physical condition or impairment affecting the person's ability to safely drive.

(2) The person may be required to reestablish eligibility by taking a test under ORS 807.070 when the report is one or more of the following:

(a) A report of a mental or physical condition or impairment that may affect the person's ability to safely operate a motor vehicle, not including a loss of consciousness or control or a problem condition involving alcohol, inhalants or controlled substances.

(b) A report of unsafe or dangerous driving behavior only.

(3) The person will be required to provide a medical report form or Certificate of Vision form when the report is of the following:

(a) The person's vision may not meet the vision standards set forth in OAR 735-060-0050;

(b) A self-report on a license/permit issuance, renewal or replacement application of a mental or physical condition or impairment that affects the person's ability to drive safely; and the condition or impairment is one that causes the loss of consciousness or control;

(c) A self-report on a license/permit issuance, renewal or replacement application of a problem condition involving alcohol, inhalants or controlled substances that affects the person's ability to drive safely; or

(d) A report of a condition or impairment that involves the loss of consciousness or control, or a possible problem condition involving alcohol, inhalants or controlled substances, and DMV has reason to believe from the report that the person may no longer be qualified for driving privileges or may no longer be able to safely operate a motor vehicle.

(4) The person may be required to obtain a Certificate of Eligibility from the State Health Officer under ORS 807.090 when the report indicates one or more of the following:

(a) A loss of consciousness or control is a cause or possible cause of a crash or of unsafe or dangerous driving behavior.

(b) Evidence of continued episodes of loss of consciousness or control despite current treatment.

(c) Evidence of a problem condition involving alcohol, inhalants or controlled substances.

(5) An immediate suspension of the person's driving privileges, under ORS 809.419(3)(c) when the report provides DMV reason to believe that the person may endanger people or property if not immediately suspended. To regain driving privileges the person will be required to reestablish eligibility for driving privileges which may include taking tests under ORS 807.070, submitting a medical report form or Certificate of Vision, or obtaining a Certificate of Eligibility under ORS 807.090.

[ED. NOTE: Forms referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
 Stat. Implemented: ORS 807.340  
 Hist.: DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 14-2005, f. & cert. ef. 5-19-05; Renumbered from 735-074-0160, DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0010**

**The Testing Process**

(1) If DMV determines a person must reestablish eligibility by taking tests as described in OAR 735-076-0007(2), DMV will send a requirement letter to the driver requiring the driver to reestablish the person's eligibility by successfully completing tests.

(2) The driver must successfully complete the tests within 60 days of the date of the requirement letter. DMV may grant an extension, not to exceed 120 additional days, if:

(a) The person is seriously ill or injured and a physician requests an extension in writing; or

(b) The person is temporarily out of state and a written request is received from the person.

(3) The driver must test in the driver's current license class, unless the driver voluntarily chooses to test for a lower class of license.

(4) Before DMV will conduct a drive test, the person must successfully complete all other required tests.

(5) If the person is unable to pass the DMV vision screening, DMV will require the person to have a vision specialist complete a Certificate of Vision form. DMV will only provide a knowledge or drive test if the completed Certificate of Vision form indicates that the person's vision meets DMV's standards as set forth in OAR 735-062-0050.

(6) The waiting periods between knowledge or drive tests are listed in OAR 735-062-0040 and 735-062-0070, respectively.

(7) As set forth in OAR 735-062-0073, DMV may refuse to continue a drive test if a DMV employee reasonably believes that the person is likely to endanger persons or property while being tested, and further testing may be denied and driving privileges cancelled if DMV determines the person is likely to endanger persons or property during subsequent testing.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340, 809.419  
 Stats. Implemented: ORS 807.070, 807.340  
 Hist.: MV 19-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0450; DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0015**

**The Process When a Medical Report Form or Certificate of Vision is Required**

(1) When DMV determines medical information or a Certificate of Vision form is necessary to determine the person's continuing eligibility for driving privilege, as described in OAR 735-076-0007(3), DMV will send a letter to the driver requiring the driver to submit the completed medical report form or Certificate of Vision form provided by DMV. The medical report form must be completed by the driver and by the driver's physician, nurse practitioner or physician assistant. The Certificate of Vision must be completed by the driver's vision specialist.

(2) The driver must submit the completed medical report form or Certificate of Vision form within 30 days of the date of the requirement letter. DMV may grant an extension, not to exceed 120 additional days, if:

(a) The person is seriously ill or injured and a physician requests an extension in writing;

(b) The person is temporarily out of state and a written request is received from the person; or

(c) The person can show that an appointment was requested in a timely manner, but the earliest appointment available exceeded the 30 days.

(3) Sections (1) and (2) of this rule apply when the person must provide a medical report form or Certificate of Vision from to recertify eligibility for driving privileges.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
 Stat. Implemented: ORS 807.340  
 Hist.: DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0018**

**The Process when a Certificate of Eligibility is Required**

(1) When DMV determines a Certificate of Eligibility is necessary to determine a person's continuing eligibility for driving privilege, as described in OAR 735-076-0007(4), DMV will require the person to submit a medical report form or Certificate of Vision form as set forth in OAR 735-076-0015.

(2) When received, DMV will send the medical report form or Certificate of Vision form and any other relevant reports or information in DMV's At-Risk Program file to the State Health Officer for review. The State Health Officer may either issue or deny a Certificate of Eligibility.

(3) A person issued a Certificate of Eligibility may be required to also pass tests as set forth in OAR 735-076-0010, if DMV has reason to believe that notwithstanding the Certificate, the person may not be able to safely operate a motor vehicle. The person will also be required to pass a driving test if the Certificate of Eligibility requires that the person's motor vehicle be equipped with an appropriate adap-

tive device(s), such as hand controls, and before a driving test is given, the person must provide documentation that he or she knows how to use and has practiced with the adaptive device(s).

(4) A person who is denied a Certificate of Eligibility must complete the requirements set forth by the State Health Officer in the denial, if any, before DMV will again submit information as set forth in subsection (2) of this rule to the State Health Officer for issuance of a Certificate of Eligibility.

Stat. Auth.: ORS 184.616, ORS 184.619, 802.010, 807.340 & 809.419  
 Stat. Implemented: ORS 807.090 and 807.340  
 Hist.: MV 19-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0405; MV 37-1989, f. & cert. ef. 10-3-89; MV 14-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 14-2002, f. 8-14-02 cert. ef. 9-1-02; DMV 24-2002, f. 12-13-02 cert. ef. 1-1-03; DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; Renumbered from 735-074-0010; DMV 1-2005, f. & cert. ef. 1-20-05; DMV 14-2005, f. & cert. ef. 5-19-05; DMV 14-2005, f. & cert. ef. 5-19-05; Renumbered from 735-074-0170, DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0020**

**Suspension or Cancellation of Driving Privileges**

(1) DMV may issue an immediate suspension of driving privileges in the following situations:

(a) If DMV determines from a non-mandatory report that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle upon the highways and DMV has reason to believe the person may endanger people or property if not immediately suspended;

(b) If based upon information included in a police accident report or other law enforcement report, DMV has reason to believe that a person may endanger people or property if not immediately suspended due a mental or physical condition that makes it unsafe for the person to operate a motor vehicle upon the highways;

(c) The State Health Officer, upon review of medical information on a driver, recommends an immediate suspension;

(d) Information contained in a required Medical Impairment Recertification form submitted as required under OAR 735-076-0035 indicates that the person has a mental or physical condition that makes it unsafe for the person to operate a motor vehicle and DMV has reason to believe the person may endanger people or property if not immediately suspended; or

(e) Information contained in a required Certificate of Vision form indicates the person's vision does not meet minimum vision standards under OAR 735-062-0050 and DMV has reason to believe the person may endanger people or property if not immediately suspended.

(2) DMV will suspend driving privileges or the right to apply for driving privileges as follows:

(a) Under ORS 809.419(1) if the person fails to successfully complete the required tests within 60 days of the date of the requirement letter, or within the time period granted if an extension is granted under OAR 735-076-0010(2);

(b) Under ORS 809.419(2), for failure to obtain a medical clearance, if the medical report form is not completed by the person and the person's physician, nurse practitioner, or physician assistant, submitted to and received by DMV within 30 days of the date on the letter sent from DMV, unless DMV has granted an extension under OAR 735-076-0015;

(c) Under ORS 809.419(2), for failure to obtain a medical clearance, if the person fails to submit a Medical Impairment Recertification form as required under OAR 735-076-0035, unless an extension is granted by DMV;

(d) Under ORS 809.419(2), for failure to obtain a medical clearance, if the person fails to submit a Certificate of Vision form when the person is required to obtain a periodic vision exam under OAR 735-076-0035, unless an extension is granted by DMV;

(e) Under ORS 809.419(3), as incompetent to drive because of a mental or physical condition or impairment that makes it unsafe for the person operate a motor vehicle, because the State Health Officer does not issue a Certificate of Eligibility to a person required to obtain the certificate under ORS 807.090, and the person has valid driving privileges;

(f) Under ORS 809.419(3), as incompetent to drive because of a mental or physical condition or impairment that makes it unsafe for the person to operate a motor vehicle, when a person voluntarily surrenders a license to DMV based upon the person's recognition that the person is no longer competent to drive and the person has failed to take or pass required examinations.

(3) DMV may cancel driving privileges pursuant to ORS 807.350 and OAR 735-070-0010, 735-070-0020 and 735-074-0220 if:

(a) The person's vision does not meet the minimum vision standards set forth in OAR 735-062-0050; or

(b) DMV determines the person no longer meets the qualifications for a driver license, driver permit or endorsement because of a physical or mental condition or impairment that affects the person's ability to safely operate a motor vehicle upon the highway or a problem condition involving alcohol, inhalants or controlled substances.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
 Stats. Implemented: ORS 807.340 & 809.419  
 Hist.: MV 19-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0460; MV 17-1992, f. 12-16-92, cert. ef. 1-1-93; DMV 16-2001, f. & cert. ef. 9-21-01; DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0035**

**Recertification**

(1) If the person retains his or her driving privileges, or regains his or her driving privileges after a suspension, recertification may be required when:

(a) The person's reported condition or impairment is progressive or unpredictable;

(b) Recommended by the physician or health care provider when completing a medical report form; or

(c) Recommended by the State Health Officer.

(2) The time period for recertification will be based on the recommendation of the State Health Officer or the person's physician, nurse practitioner or physician assistant, or on the recommendation of the person's vision specialist.

(3) If medical recertification is required, DMV will send the person a Medical Impairment Recertification form which must be completed by his or her physician, nurse practitioner, or physician assistant and returned to DMV.

(4) If vision recertification is required, DMV will send the person a Certificate of Vision form which must be completed by the person's vision specialist and returned to DMV.

(5) The person must submit the completed Medical Impairment Recertification form or Vision form within 30 days of the date of the requirement letter. DMV may grant an extension, not to exceed 120 additional days, if:

(a) The person is seriously ill or injured and a physician requests an extension in writing;

(b) The person is temporarily out of state and a written request is received from the person; or

(c) The person can show that an appointment was requested in a timely manner, but the earliest appointment available exceeded the 30 days.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.340 & 809.419  
 Stat. Implemented: ORS 807.340  
 Hist.: DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0050**

**Restricted License**

(1) DMV may issue a restricted license to a person who passes the required tests when DMV determines a restriction on the license is necessary to insure the safe operation of a motor vehicle by the person. These restrictions may include but are not limited to the following:

(a) Daylight driving only;

(b) Driving only on a certain, restricted route;

(c) Driving only during certain hours of the day; or

(d) Driving only with certain vehicle equipment or adaptive devices.

(2) A person whose driving privileges or right to apply for driving privileges are suspended under Division 76 rules, who is otherwise eligible for driving privileges, may obtain a 60-day restricted license for the express purpose of taking driving lessons, if DMV determines that with driving lessons the person may learn to safely operate a motor vehicle. The person must provide sufficient information to show that there is a reasonable likelihood that driving lessons will improve the person's ability to safely operate a motor vehicle. Such information may include, but is not limited to, medical information, information from a rehabilitation specialist that the person may benefit from lessons to learn to use an adaptive device or technique or an affidavit from a person(s) with information showing that with driving lessons

the applicant is likely to learn to safely operate a motor vehicle. The suspension will be rescinded for the 60-day period the restricted license is valid. Driving lessons must be provided by a commercial driving instructor, a rehabilitation specialist or other licensed driver approved by DMV as an instructor. The restricted license will only allow the person to drive with an instructor during instruction. No other driving, under any circumstances, will be allowed by the restricted license. The person must pass a DMV vision screening or submit a Certificate of Vision showing that the person's vision does meet DMV standards and pass a DMV knowledge test before DMV will issue a restricted license to take lessons. To be eligible for a DMV drive test, the person must provide a report from the driving instructor that the person has demonstrated the physical, mental and social driving skills necessary to safely operate a motor vehicle. A restricted license issued under this section shall include a notification that at the end of the 60-day period the suspension will be reinstated without further notice if the person has not successfully passed a driving test given by a DMV employee.

(3) If, at the end of the 60-day restricted license period under section (2) of this rule, the person has not successfully completed a driving test given by a DMV employee, DMV will reinstate the suspension of the person's driving privileges and right to apply for driving privileges. When a suspension is reinstated under this section, DMV is not required to provide the person with further notice or an opportunity for a contested case hearing.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120, 807.340 & 809.419  
 Stats. Implemented: ORS 807.120, 807.340  
 Hist.: MV 19-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0490; DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03; DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0052**

**Restricted Applicant Temporary Permit**

(1) If a person's driving privileges are cancelled under the At-Risk Program, and the driver is denied further testing under OAR 735-062-0073, the person may apply for a 60-day restricted applicant temporary permit for the express purpose of taking driving lessons if DMV determines that with driving lessons the person may learn to safely operate a motor vehicle.

(2) The applicant for a permit must provide sufficient information to show that there is a reasonable likelihood that driving lessons will improve the person's ability to safely operate a motor vehicle. Such information may include, but is not limited to:

- (a) Medical information;
- (b) Information from a rehabilitation specialist that the person may benefit from lessons to learn to use an adaptive device or technique; or
- (c) An affidavit from a person(s) with information to show that with driving lessons the applicant is likely to learn to safely operate a motor vehicle.

(3) Driving lessons must be provided by a certified commercial driving instructor, rehabilitation specialist or other licensed driver approved by DMV as an instructor.

(4) The permit restriction only allows the person to drive with an instructor during driving lessons and at no other time.

- (5) To be eligible for a restricted permit the person must:
  - (a) Apply for driving privileges;
  - (b) Pass a DMV vision screening or submit a Certificate of Vision showing that the person's vision meets DMV standards; and
  - (c) Pass a DMV knowledge test.

(6) To be eligible for a DMV drive test, the person must provide a report from the driving instructor that the person has demonstrated the physical, mental and social driving skills necessary to safely operate a motor vehicle.

(7) A restricted permit issued under this rule will include a notification that at the end of the 60-day period the permit expires and the person no longer has driving privileges until he or she has successfully passed a DMV driving test and is eligible for driving privileges.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.120, 807.310, 807.340  
 Stats. Implemented: ORS 807.120, 807.310, 807.340  
 Hist.: DMV 6-2006, f. & cert. ef. 5-25-06

**735-076-0060**

**Hearing Provisions**

A person issued a notice of suspension or cancellation under these rules has the right to request a contested case hearing. To request

a hearing, the person must submit a hearing request that meets the requirements of OAR 735-074-0220.

Stat. Auth.: ORS 184.616, 184.619, 807.340 & 809.410  
 Stats. Implemented: ORS 807.340  
 Hist.: MV 19-1987, f. 9-21-87, ef. 9-27-87; Administrative Renumbering 3-1988, Renumbered from 735-031-0495; DMV 8-2003, f. 5-14-03, cert. ef. 6-1-03

**DIVISION 80**

**PARKING**

**735-080-0000**

**Procedures for Issuance of Parking Permits for Winter Recreation Parking Areas**

The Driver and Motor Vehicle Services Division (DMV) of the Department of Transportation, pursuant to ORS 802.010, 802.600, 811.595, 811.600 and 810.170 hereby adopts the following procedures relating to issuance of Winter Recreation Parking Permits (Sno-Park Permits) for certain vehicles in winter recreation parking areas:

(1) There will be three separate permits of different colors: An annual Sno-Park permit, a three-day Sno-Park permit and a daily Sno-Park permit.

(2) The annual Sno-Park permit is valid for one year, but must be used only from November 15th through April 30th.

(3) The three-day Sno-Park permit is valid for three consecutive days (e.g., if a three-day Sno-Park permit is purchased for use on Monday, it expires at midnight on Wednesday).

(4) A daily Sno-Park permit is valid for one day and expires at midnight on the day for which it is purchased.

(5) A Sno-Park permit must be displayed near the lower left-hand corner of the windshield of the vehicle.

(6) A Sno-Park permit will be issued to any person upon request and payment of the applicable fees. It can be transferred from vehicle to vehicle.

(7) DMV may appoint Sno-Park permit sales agents to issue Sno-Park permits to the public on behalf of the Division. Any person or business wishing to be appointed as a Sno-Park permit sales agent must enter into a Sno-Park permit sales agent agreement with DMV.

(8) Sno-Park permit fees set by the Oregon Transportation Commission are established in OAR 734-020-0070.

(9) DMV will maintain revenue and statistical records of the number and type of Sno-Park permits issued. Computer records will not indicate date of issuance or to whom a permit is issued.

Stat. Auth.: ORS 184.616, 184.619, 802.600, 811.595 & 811.600  
 Stats. Implemented: ORS 802.600, 810.170, 811.590 & 811.595  
 Hist.: MV 83, f. & ef. 11-16-77; MV 7-1978, f. 10-20-78, ef. 10-23-78; MV 1-1979(Temp), f. & ef. 1-22-79; MV 5-1979, f. & ef. 10-18-79; MV 10-1983, f. 10-5-83, ef. 10-15-83; MV 34-1987, f. & ef. 11-2-87; Administrative Renumbering 3-1988, Renumbered from 735-041-0010; MV 8-1993, f. & cert. ef. 10-21-93; DMV 4-2000(Temp), f. 7-18-00, cert. ef. 7-18-00 thru 1-13-01; DMV 14-2000, f. & cert. ef. 12-14-00

**735-080-0010**

**Definitions Relating to Disabled Person Parking Permits**

The following definitions apply to OAR 735-080-0010 through 735-080-0080:

(1) "Authorized family" means a family residing in Oregon with more than one disabled person residing within the same household.

(2) "Authorized program" means a transportation provider that operates at least one vehicle regularly as part of a program for the transportation of disabled persons and includes, but is not limited to a nonprofit organization, an agency, a residential care facility, an assisted living facility, a disabled or medical transportation service, or an adult foster care home.

(3) "Certificate" means a statement signed by a licensed physician, certified physician assistant, certified nurse practitioner or licensed optometrist on an application for a disabled person parking permit that certifies the applicant is either a temporarily disabled person or a disabled person whose condition is expected to continue for a period of at least four years.

(4) "Certified nurse practitioner" means a registered nurse who has been certified by the Oregon State Board of Nursing as qualified to practice in an expanded specialty role within the practice of nursing.

(5) "Certified physician assistant" means a person who is registered as a physician assistant pursuant to ORS 677.505 to 677.525 and

is in compliance with all administrative rules and regulations of the Oregon Board of Medical Examiners.

(6) "Disabled parking identification card" means an identification card issued by DMV to a disabled person, in conjunction with a disabled person parking permit, that contains the person's name, address and other identifying information, but does not contain a photograph of the disabled person.

(7) "Disabled person" means a disabled person as defined in ORS 801.235.

(8) "Disabled person parking decal" means a decal issued by DMV for use on a motorcycle, golf cart or similar vehicle that gives special parking privileges as provided in ORS 811.635.

(9) "Disabled person parking permit" means a renewable or temporary permit issued by DMV that gives special parking privileges as provided in ORS 811.635 or 811.637.

(10) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(11) "Expiration date" means:

(a) For a renewable disabled person parking permit, the date the person's driver license, identification card, disabled parking identification card or golf cart driver permit will expire;

(b) For a temporary disabled person parking permit, the date a licensed physician, certified physician assistant or certified nurse practitioner certifies to be the date a temporarily disabled person will no longer need a temporary disabled person parking permit, but not to exceed six months;

(c) Eight years from the date a placard is issued to an authorized program;

(d) Eight years from the date a placard is issued to an authorized family.

(12) "Licensed optometrist" means a person licensed by the Oregon Board of Optometry pursuant to ORS 683.020 to measure and diagnose visual acuity of the human eye and treat vision defects by means of prescription and adaptation of lenses to preserve or restore maximum range of vision.

(13) "Physician" means a person who holds a degree of Doctor of medicine, osteopathy, podiatry, chiropractic or naturopathy, and is licensed pursuant to Oregon law.

(14) "Renewable disabled person parking permit" means a permit issued by DMV to a person whose condition is expected to continue for a period of at least four years, or a permit issued to an authorized program or family.

(15) "Temporary disabled person parking permit" means a permit issued to a temporarily disabled person under ORS 811.606 by DMV that gives special parking privileges as provided in ORS 811.635.

(16) "Temporary duplicate permit" means a permit valid for 30 days that is issued to a person who needs a duplicate disabled person parking permit for travel purposes only.

Stat. Auth.: ORS 184.616, 184.619, 811.602, 811.603, 811.607 & 811.609

Stats. Implemented: ORS 811.602 - 811.640

Hist.: MV 11-1985, f. 9-19-85, ef. 9-20-85; MV 30-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-110-0800; MV 4-1988, f. & cert. ef. 2-2-88; MV 38-1989, f. & cert. ef. 10-3-89; MV 20-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 6-1996, f. & cert. ef. 8-15-96; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 17-2003, f. & cert. ef. 11-18-03

### 735-080-0020

#### Who May Apply for Disabled Person Parking Permits

The following persons may apply for a disabled parking permit:

(1) A disabled person as defined in ORS 801.235.

(2) The administrator or other representative of an authorized program.

(3) An adult member of a family with more than one disabled person residing in the same household.

Stat. Auth.: ORS 801.235, 802.010, 811.602 - 811.640 & Ch. 741, OL 1991

Stats. Implemented: ORS 811.602 & 811.604 - 811.609

Hist.: MV 11-1985, f. 9-19-85, ef. 9-20-85; MV 30-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-110-08810; MV 38-1989, f. & cert. ef. 10-3-89; MV 20-1991, f. 9-18-91, cert. ef. 9-29-91

### 735-080-0030

#### Application for Disabled Person Parking Permits

Before DMV may issue a disabled person parking permit, a person must apply to DMV.

(1) An applicant for an individual placard must submit an application that contains the applicant's name, address and a certificate as

described in ORS 811.604(1)(a), and the number of the applicant's current driver license, identification card, disability golf cart driver permit.

(2) An applicant for a program placard must submit an application containing the program name and address. The applicant must certify that it is an authorized program for the transportation of disabled persons.

(3) An applicant for a family placard must submit an application containing the names of all disabled family members, the family's residence address and a statement from a licensed physician certifying that the family has more than one disabled person residing in the same household.

(4) An applicant for a temporary disabled person parking permit must submit an application that meets the requirements of ORS 811.606 and contains the applicant's name and address and the certificate required by ORS 811.604, including a date when the applicant will no longer need the permit, if known.

Stat. Auth.: ORS 184.616, 184.619, 811.602, 811.607 & 811.609

Stats. Implemented: ORS 811.602 & 811.604 - 811.609

Hist.: MV 11-1985, f. 9-19-85, ef. 9-20-85; MV 30-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-110-0820; MV 38-1989, f. & cert. ef. 10-3-89; MV 20-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 18-2001(Temp), f. & cert. ef. 9-21-01 thru 3-19-01; DMV 6-2002, f. & cert. ef. 3-14-02; DMV 17-2003, f. & cert. ef. 11-18-03

### 735-080-0040

#### Replacement and Renewal of Disabled Person Parking Permits

(1) DMV may replace a disabled person parking permit, including a temporary duplicate permit. Replacement of a permit is subject to the following:

(a) An applicant for a replacement permit must certify that the original disabled person parking permit has been lost or destroyed;

(b) If a required certificate or statement from a licensed physician, certified physician assistant, certified nurse practitioner or licensed optometrist is on file with DMV, the person must submit an application for replacement;

(c) If a required certificate or statement from a licensed physician, certified physician assistant, certified nurse practitioner or licensed optometrist is not on file with DMV, the person must apply for a disabled person parking permit as if one had never previously been issued; and

(d) A replacement permit has the same expiration date as the disabled parking permit it replaces.

(2) A person may renew a disabled person parking permit, except for a temporary duplicate permit, upon expiration or within one year after the expiration date. The renewal of a permit is subject to the following:

(a) If the application is for an individual placard, it must meet the requirements of ORS 811.604(2), contain the applicant's name and address, and may be submitted at the same time as the renewal of a driver license, identification card, disability golf cart driver permit or disabled parking identification card;

(b) If the application is for a program placard, the application must contain the program name, the program address and a statement from a licensed physician certifying it to be an authorized program;

(c) If the application is for a family placard, it must contain the names of all disabled family members, the family's residence address and a statement from a licensed physician certifying that the family has more than one disabled person residing in the same household;

(d) A renewed family or program placard expires eight years from the expiration date of the immediately preceding placard or on the date the family or authorized program no longer meet the qualifying conditions, whichever is earlier;

(e) A renewed individual placard expires on the date that the person's driver license, identification card, disability golf cart driver permit or disabled parking identification card expires or on the date the applicant no longer meets the qualifying conditions, whichever is earlier.

(f) A person may not renew a temporary duplicate permit.

Stat. Auth.: ORS 184.616, 184.619, 811.602, 811.607 & 811.609

Stats. Implemented: ORS 811.602 & 811.604 - 811.609

Hist.: MV 11-1985, f. 9-19-85, ef. 9-20-85; MV 30-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-110-0830; MV 38-1989, f. & cert. ef. 10-3-89; MV 20-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 6-1996, f. & cert. ef. 8-15-96; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 18-2001(Temp), f. & cert. ef. 9-21-01 thru 3-19-01; DMV 6-2002, f. & cert. ef. 3-14-02



**735-080-0050**

**Display and Use of Disabled Person Parking Permits**

(1) A disabled person parking permit may only be used as allowed under ORS 811.635, or 811.637 if issued to an authorized program.

(2) The proper display of a disabled person parking permit is to hang the permit from the rearview mirror of the vehicle so the expiration date is visible from outside the vehicle when the permit is displayed in the vehicle. The permit must be removed from the rearview mirror prior to the operation of the vehicle.

(3) DMV will issue disabled person parking decals to motorcycles, golf carts or other similar vehicles. The decal will be affixed to the back of the left rearview mirror. If such a display is not possible, the person will attach the decal to the front fender of the vehicle so that the permit number and expiration date are visible from the front of the vehicle.

Stat. Auth.: ORS 184.616, 811.602, 811.607 & 811.609  
 Stats. Implemented: ORS 811.602 & 811.604 - 811.609  
 Hist.: MV 11-1985, f. 9-19-85, ef. 9-20-85; MV 30-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-110-0840; MV 38-1989, f. & cert. ef. 10-3-89; DMV 6-1996, f. & cert. ef. 8-15-96; DMV 6-2002, f. & cert. ef. 3-14-02

**735-080-0060**

**Identification Cards Without Photograph**

(1) An applicant for an individual disabled parking permit who does not have a driver license, driver permit, or identification card and is unable to go to a DMV office to be photographed, must obtain an identification card without a photograph. The applicant must submit the following to DMV:

(a) An application for an identification card without a photograph that includes the applicant's name, residence address, date of birth, height, weight, and signature. It must also include a statement from a licensed physician that because of the applicant's medical or physical condition, it is impractical or harmful for the applicant to appear at a DMV office to be photographed; and

(b) The fee for issuance of an identification card under ORS 807.410(1).

(2) The applicant must mail the application, fee and statement from a physician to DMV, Driver Issuance Unit, 1905 Lana Avenue NE, Salem, Oregon 97314.

(3) An identification card issued under this rule expires on the applicant's birthday, in the eighth calendar year after the year of issuance or on the date it is no longer medically impractical or harmful to the applicant to appear at a DMV office to be photographed for an identification card, whichever is earlier.

Stat. Auth.: ORS 184.616, 184.619 & 811.603  
 Stats. Implemented: ORS 811.603  
 Hist.: MV 20-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 6-1996, f. & cert. ef. 8-15-96; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 18-2001(Temp), f. & cert. ef. 9-21-01 thru 3-19-02; DMV 6-2002, f. & cert. ef. 3-14-02

**735-080-0070**

**Replacement/Renewal of Identification Cards Without Photograph**

(1) DMV may replace an identification card without a photograph if the card is lost, mutilated or destroyed. Replacement of a disabled parking identification card is subject to the following:

(a) If a statement from a licensed physician is on file with DMV, the person must submit an application for replacement and the replacement fee under ORS 807.410 to DMV, but does not need to submit a statement from a licensed physician;

(b) If a statement from a licensed physician is not on file with DMV, the person must apply for an identification card without a photograph as set forth in OAR 735-080-0060(1) and (2);

(c) An applicant for a replacement identification card without a photograph must certify that the original identification card without a photograph has been lost or destroyed; and

(d) The replacement identification card without a photograph will have the same expiration date as the identification card without a photograph it replaces.

(2) DMV may renew a disabled parking identification card without a photograph upon expiration or within one year after the expiration date if the person is also renewing the disabled person parking permit. To renew, an applicant must submit the following to DMV:

(a) A renewal application containing the applicant's name, residence address, date of birth, height, weight, signature and a signed statement from the applicant that it is still medically impractical or harmful for the applicant to appear at a DMV office to be photographed.

(b) The renewal fee under OAR 735-062-0095(4); and

(c) Proof of residence address as described in OAR 735-062-0030 if the residence address of the applicant has changed since issuance of the most recent identification card without a photograph.

(3) A renewed identification card expires four years from the expiration date on the immediately preceding identification card or on the date it is no longer medically impractical or harmful to the applicant to appear at a DMV office to be photographed for an identification card, whichever is earlier.

Stat. Auth.: ORS 184.616, 184.619 & 811.603  
 Stats. Implemented: ORS 811.603  
 Hist.: MV 20-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 6-1996, f. & cert. ef. 8-15-96; DMV 12-2000, f. & cert. ef. 9-21-00; DMV 18-2001(Temp), f. & cert. ef. 9-21-01 thru 3-19-02; DMV 6-2002, f. & cert. ef. 3-14-02

**735-080-0080**

**Temporary Duplicate Permits**

(1) An application shall be submitted to DMV before a temporary duplicate permit will be issued.

(2) DMV may issue a temporary duplicate permit to a person with a valid renewable disabled person parking permit, disabled person parking decal or temporary disabled parking permit.

(3) DMV shall only issue a temporary duplicate permit for travel purposes. Travel purposes means a person:

- (a) Will be parking a vehicle in a disabled parking space;
- (b) Will be traveling outside the person's county of residence; and
- (c) Will be using a vehicle while traveling, other than the vehicle parked, for which the person needs a disabled person parking permit.

(4) DMV shall not issue a temporary duplicate permit with an expiration date this is later than the expiration date of the driver license or identification card of the individual applying for the permit.

(5) A temporary duplicate permit becomes valid on the date it is issued.

(6) A person may apply for a new temporary duplicate permit within seven days of the expiration of an existing temporary duplicate permit. The effective date of the new temporary duplicate permit will be the day after the expiration date of the existing permit.

Stat. Auth.: ORS 184.616 & 811.602  
 Stats. Implemented: ORS 811.602  
 Hist.: DMV 6-1996, f. & cert. ef. 8-15-96

**DIVISION 90**

**IMPLIED CONSENT HEARING PROCEDURES**

**735-090-0000**

**Definitions**

As used in OAR 735-090-0000 through 735-090-0120, unless the context requires otherwise:

(1) "Agency" means Driver and Motor Vehicle Services Division (DMV) of the Oregon Department of Transportation.

(2) "Hearings Program" means and is a section of the Office of Administrative Hearings that performs services under contract for DMV and includes the Hearings Case Management Unit.

(3) "Error of the Department," as used in ORS 813.440(1)(c), means:

(a) An act or omission of the agency, which by its occurrence, prevented the petitioning party from being present at a recorded or reported hearing that determines the validity of a suspension of driving privileges; or

(b) An act or omission of the agency in issuing a subpoena to a witness, including a police officer, to a recorded or reported hearing that determines the validity of a suspension of driving privileges and where the witness' presence at the reported or recorded hearing is required in order for the agency to establish the required elements under ORS 813.410(5); or

(c) An act or omission of the agency in issuing a subpoena to a necessary witness where:

(A) The agency receives the petitioning party's request to subpoena a necessary witness more than 72 hours prior to the time and

date that a recorded or reported hearing that determines the validity of a suspension of driving privileges is scheduled; and

(B) The act or omission, by its occurrence, prevented the necessary witness from being present at the hearing; or

(d) An act or omission of the agency that prevents a recorded or reported hearing that determines the validity of a suspension of driving privileges from being conducted.

(4) "Other just cause" as used in ORS 813.440(1)(f) means:

(a) Circumstances beyond the reasonable control of the petitioning party and beyond the ability of a reasonable person to foresee, which:

(A) Prevented the petitioning party from filing of a timely request for a hearing as set forth in ORS 813.410(3); or

(B) Prevented the petitioning party from requesting the agency to subpoena a necessary witness more than 72 hours prior to the time and date that a recorded or reported hearing that determines the validity of a suspension of driving privileges is scheduled; or

(C) Prevented the petitioning party from being present at a recorded or reported hearing that determines the validity of a suspension of driving privileges.

(b) Circumstances where a petitioning party moves for a continuance of a hearing or a request that a necessary witness be subpoenaed to a hearing and, due to circumstances beyond the control of the petitioning party:

(A) The necessary witness does not appear at the hearing because the necessary witness was unknown to the petitioning party prior to a recorded or reported hearing that determines the validity of a suspension of driving privileges; or

(B) The necessary witness does not appear at the hearing and could not be served with a subpoena at least 72 hours prior to a recorded or reported hearing that determines the validity of a suspension of driving privileges.

(c) Circumstances beyond the control of the agency that prevented a hearing officer from conducting a recorded or reported hearing that determines the validity of a suspension of driving privileges.

(5) "Necessary witness" means a witness whose testimony is essential to support a material fact or position of the petitioning party. The fact or position to be supported by the necessary witness must be within the scope of an implied consent hearing as set forth in ORS 813.410(5).

(6) "Offense" means the alleged Driving While Under the Influence of Intoxicants incident.

(7) "Petitioner" means the person whose driving privileges may be suspended.

(8) "Petitioning Party" means the petitioner or the petitioner's attorney.

(9) "Received by DMV" means:

(a) Personally delivered to DMV Headquarters, 1905 Lana Ave. NE, Salem, OR;

(b) Delivered by mail to DMV Headquarters, 1905 Lana Ave. NE, Salem, OR 97314; or

(c) Received by facsimile machine at telephone number (503) 945-5521.

Stat. Auth.: ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

Stats. Implemented: ORS 813.410 & 813.440

Hist.: MV 5-1984, f. 6-29-84, ef. 7-1-84; MV 10-1985, f. 9-19-85, ef. 9-20-85; Administrative Renumbering 3-1988, Renumbered from 735-021-0100; MV 2-1991, f. & cert. ef. 3-18-91; MV 15-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 7-1997, f. & cert. ef. 9-18-97; DMV 21-2002, f. & cert. ef. 11-18-02; DMV 23-2004, f. & cert. ef. 11-17-04

**735-090-0020**

**Hearings Requests**

(1) Hearings requests shall be in writing. Request should include:

(a) Petitioner's full name;

(b) Petitioner's complete mailing address;

(c) Date of arrest;

(d) Petitioner's Oregon driver license number;

(e) Petitioner's date of birth;

(f) Telephone number where petitioner can be called between 8 a.m. and 5 p.m.;

(g) Brief statement of the issues the petitioner proposes to raise at the hearing;

(h) Dates and times the petitioner or attorney cannot appear at a hearing;

(i) A request to have the hearing held by telephone, if desired.

(j) A request for an interpreter for a non-English speaking petitioner must be made at the time of the hearing request.

(2) To be considered timely, a hearing request submitted pursuant to ORS 813.132 or 813.410(3), for failure of a breath test or refusal of a breath, blood or urine test, must be received by DMV by the tenth day following the arrest of the petitioner. Oregon Rules of Civil Procedure 10A (ORCP 10A) shall be used to determine the computation of time.

(3) To be considered timely, a hearing request submitted pursuant to ORS 813.410(3), for failure of a blood test, must be received by DMV by the tenth day from the date the department sends notice of suspension. ORCP 10A shall be used to determine the computation of time.

(4) The Office of Administrative Hearings shall issue a final order denying an untimely hearing request unless the petitioning party demonstrates that the request should be granted under ORS 813.440.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

Stats. Implemented: ORS 813.410 & 813.440

Hist.: MV 5-1984, f. 6-29-84, ef. 7-1-84; MV 10-1985, f. 9-19-85, ef. 9-20-85; Administrative Renumbering 3-1988, Renumbered from 735-021-0110; MV 2-1991, f. & cert. ef. 3-18-91; MV 15-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 3-1996, f. & cert. ef. 7-26-96; DMV 21-2002, f. & cert. ef. 11-18-02; DMV 23-2004, f. & cert. ef. 11-17-04

**735-090-0040**

**Document Submission Requirements**

(1) The following documents, sent by police agencies, shall be received by DMV by the tenth day following arrest. These documents are:

(a) Original and a copy of the Implied Consent Combined Report, Form 735-0075, and if applicable, the CDL Implied Consent Addendum, Form 735-0075A; and

(b) The Oregon driver license or permit if confiscated.

(2) An Implied Consent Combined Report, Form 735-0075, and if applicable, a CDL Implied Consent Addendum, Form 735-0075A, not received within ten days following the arrest and failure of the breath test or refusal of a breath, blood or urine test, are inadmissible at any hearing conducted within 30 days following the arrest pursuant to ORS 813.132 or 813.410, but are admissible in a hearing authorized under ORS 813.440.

(3) The original and a copy of the Implied Consent Blood Test Failure Report, Form 735-0055, sent by police agencies, shall be received by DMV by the 45th day following arrest. If form 735-0055 is not received within 45 days following the date of arrest, no license suspension action will be taken by DMV.

[ED. NOTE: Forms referenced are available from the agency.]

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

Stats. Implemented: ORS 813.131, 813.132, 813.410 & 813.440

Hist.: MV 5-1984, f. 6-29-84, ef. 7-1-84; MV 10-1985, f. 9-19-85, ef. 9-20-85; Administrative Renumbering 3-1988, Renumbered from 735-021-0120; MV 2-1991, f. & cert. ef. 3-18-91; MV 15-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 3-1996, f. & cert. ef. 7-26-96; DMV 7-1997, f. & cert. ef. 9-18-97; DMV 21-2002, f. & cert. ef. 11-18-02; DMV 23-2004, f. & cert. ef. 11-17-04

**735-090-0051**

**Subpoena of Witness**

The department will not in any circumstance compel a witness to attend and testify at a hearing that determines the validity of a suspension of driving privileges unless the witness is served with a subpoena at least 72 hours prior to the time of the hearing.

Stat. Auth.: ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

Stats. Implemented: ORS 813.410 & 813.440

Hist.: DMV 23-2004, f. & cert. ef. 11-17-04

**735-090-0101**

**Hearing Location**

(1) DMV designates the location of the hearing to be the location of the administrative law judge. The hearing must be held either in the county where the alleged offense occurred or at any place within 100 air miles of the place where the offense is alleged to have occurred. The administrative law judge may hold a hearing or portion of a hearing by telephone and permit a party or witness to appear in person at the hearing.

(2) If there is a mutual agreement between the petitioning party and DMV, a hearing or telephone hearing may be held at a location outside of either the county where the alleged offense occurred or 100 air miles of the place where the offense is alleged to have occurred.

Stat. Auth.: ORS 183.341, 184.616, 184.619, 802.010, 813.410 & 813.440

Stats. Implemented: ORS 813.410 & 813.440  
 Hist.: DMV 23-2004, f. & cert. ef. 11-17-04; DMV 2-2007, f. & cert. ef. 1-24-07

**735-090-0110**

**Just Cause Petitions**

Persons wishing to have the agency consider, under ORS 813.440, their grounds for not filing a timely hearing request or for not attending a hearing shall include the following in their petition:

- (1) The information specified in OAR 735-090-0020(1);
- (2) The date and DMV case number of the defaulted hearing, when applicable; and
- (3) A statement of the circumstances relied upon for just cause and an explanation of how those circumstances caused the failure to file a timely hearing request or to appear at a scheduled hearing; and
- (4) Any other documentation relied upon.

Stat. Auth.: ORS 183.341, 184.616, 184.619, 813.410 & 813.440  
 Stats. Implemented: ORS 813.410  
 Hist.: MV 10-1985, f. 9-19-85, ef. 9-20-85; Administrative Renumbering 3-1988, Renumbered from 735-021-0165; MV 2-1991, f. & cert. ef. 3-18-91; MV 15-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 21-2002, f. & cert. ef. 11-18-02

**735-090-0120**

**Official Duty Conflicts**

(1) If a subpoenaed police officer is unable to appear at a hearing under ORS 813.410 due to official duty conflicts, a scheduled hearing shall be set as soon as practicable.

(2) The agency shall rescind the suspension of the petitioner's driving privileges pending the outcome of the scheduled hearing conducted pursuant to ORS 813.440(1)(d).

(3) The Hearings Program may receive notification of an official duty conflict before or after a hearing. Post hearing notification must be received by the Hearings Case Management Unit no later than 10 days after the hearing. Verification must be to the satisfaction of the department.

(4) An official duty conflict exists if the subpoenaed police officer is unable to attend the hearing due to any of the following conditions:

- (a) Community caretaking pursuant to ORS 133.033;
- (b) Court;
- (c) Hazardous or impeding travel conditions;
- (d) Participating in employer approved training;
- (e) Physical incapacity; or
- (f) Service in the US Armed Forces, military reserves, National Guard or the organized militia.

(5) Nothing in this rule prevents the taking of evidence at the time of the originally scheduled hearing and continuing the hearing for the testimony of the unavailable police witness(es).

Stat. Auth.: ORS 183.341, 184.616, 813.410 & 813.440  
 Stats. Implemented: ORS 813.410 & 813.440  
 Hist.: MV 15-1993, f. 10-22-93, cert. ef. 11-4-93; DMV 7-1997, f. & cert. ef. 9-18-97

**735-090-0130**

**Error of the Department**

In accordance with the definition of "Error of the Department" specified in OAR 735-090-0000(3), in a hearing that determines the validity of a suspension of driving privileges under ORS 813.410, if the department presents hearsay evidence to establish the required elements under ORS 813.410(5) and a petitioning party presents substantial evidence that contradicts the hearsay evidence, the department shall rescind the suspension and continue the hearing pursuant to ORS 813.440(1)(c) in order for the department to subpoena the hearsay witness to the continued hearing.

Stat. Auth.: ORS 184.616, 184.619 & 802.010  
 Stat. Implemented: ORS 813.410 & 813.440  
 Hist.: DMV 11-2004(Temp), f. & cert. ef. 5-24-04 thru 11-19-04; DMV 23-2004, f. & cert. ef. 11-17-04

**DIVISION 100**

**APPROVAL/DESIGNATIONS**

**735-100-0000**

**Authority for Administrative Rules**

Administrative Rules covering vehicle safety equipment are promulgated under the Oregon Transportation Commission's authority as set forth in ORS 184.616, and under authority of other statutes of the

Oregon Vehicle Code that require or are relevant to adoption of the specific rules.

[Publications: Publications referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.811, 184.815, 184.816 & 184.818  
 Stats. Implemented: ORS 815.030  
 Hist.: MV 9-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-160-000

**735-100-0010**

**Equipment Compliance and Approval**

(1) The Automotive Manufacturers Equipment Compliance Agency, Inc. (AMECA) is designated an approval authority for the Transportation Safety Division of the Oregon Department of Transportation (Transportation Safety).

(2) The AMECA's Equipment Compliance Program may be used by manufacturers for verifying their equipment items meet the appropriate Transportation Safety adopted standards. This does not preclude other manufacturer self-certification methods of federally regulated items.

(3) AMECA's accredited testing laboratories shall be recognized as approved by Transportation Safety.

(4) AMECA's Notice of Equipment Compliance for an equipment item, or the showing of the item on an AMECA's Compliance Listing shall be acceptable proof to Transportation Safety that the item meets equipment standards. All equipment must be tested to comply with standards adopted by Transportation Safety. This does not preclude testing to more stringent standards.

(5) The review of manufacturer's test results through the AMECA's program shall be an acceptable procedure to verify equipment compliance to standards.

(6) Transportation Safety may request a manufacturer's test results for conformance review, and may consider testing or retesting at any time there is reason to believe an item does not meet established standards.

(7) Transportation Safety may request the testing laboratory name, address, contact person and telephone number from the manufacturer to verify test procedures and test results if there is reason to believe an item does not meet established standards.

Stat. Auth.: ORS 184.616, 815.010, 815.030 & 816.010  
 Stats. Implemented: ORS 815.010, 815.030 & 816.010  
 Hist.: MV 3-1987, f. & ef. 4-16-87; Administrative Renumbering 3-1988, Renumbered from 735-080-0010; DMV 12-1994, f. & cert. ef. 10-6-94; DMV 3-1997, f. & cert. ef. 1-21-97

**735-100-0020**

**Bus Safety Lights Used on Church Buses**

(1) The Transportation Safety Division of the Department of Transportation (Transportation Safety) adopts the following requirements for eligibility for a permit to allow use of bus safety lights on a church bus, and for the requirements for use of the lights.

(2) For purposes of this rule, the following definitions apply:

(a) "Church bus" means any bus that is operated by a religious organization while the bus is being used to transport children to and from religious services or an activity or function authorized by the religious organization.

(b) "Bus safety lights" means the red and amber alternately flashing lights described in ORS 816.260.

- (c) "Qualified person" means:
  - (A) Any Department of Education school bus inspector;
  - (B) A currently employed mechanic or inspector of a school district or of a contractor engaged in a school bus fleet operation;
  - (C) A competent mechanic, defined as anyone receiving a substantial portion of their income repairing motor vehicles, and who is currently active at this work; or
  - (D) A person designated for this purpose by Transportation Safety.

(3) A church bus will be issued a permit allowing use of bus safety lights upon receipt of a written request submitted to Transportation Safety. The request must be accompanied by a statement signed by a qualified person stating that the vehicle meets the following requirements:

- (a) That flashing amber and red lights have been installed and operate in accordance with requirements adopted by the Department of Education in OAR 581-053-0517(23)(k);
- (b) That the vehicle is painted National School Bus Yellow; and
- (c) That the vehicle is identified in the following manner:

(A) The church bus bears the wording "CHURCH BUS" in black letters at least eight inches high and of proportionate width, on both the front and rear of the body. This lettering shall be placed as high on the bus body as possible without impairment of its visibility; and

(B) A warning sign, calling attention to the bus safety light stop law is installed on the rear of the bus. The sign shall be centered on the back of the bus and occupy the space, beltline high, directly beneath the upper window in the rear door. Signs on transit type buses shall be in approximately the same area. A warning sign shall consist of decals of white reflectorized letters mounted on a flat black background that is nine inches by 30 inches, with lettering as shown in the following diagram:

(4) Operation of church bus flashing lights shall be in accordance with requirements adopted by the Department of Education in OAR 581-053-0015(7) and with ORS 811.515.

(5) The bus safety light system must be checked at least once a year by a qualified person as defined in section (2) of this rule. This person must provide the religious organization with a signed statement that the system is operating properly. The religious organization must retain such statements in their records for the vehicle.

(6) The approval permit, or a copy may be carried in the bus, to show as verification of Transportation Safety approval to use the light system on the vehicle.

(7) A permit issued under this rule is not transferable and is subject to cancellation with 30 days notice if Transportation Safety determines that there is any violation of this rule.

Stat. Auth.: ORS 184.616, 811.515, 816.260, 818.260 & 818.270  
 Stats. Implemented: ORS 818.260  
 Hist.: MV 12-1986, f. & ef. 8-22-86; Administrative Renumbering 3-1988, Renumbered from 735-080-0130

**735-100-0030**

**Designation of Emergency Vehicles**

(1) The Transportation Safety Division of the Department of Transportation (Transportation Safety) adopts these requirements regarding "Designated Emergency Vehicles."

(2) For purposes of this rule:

(a) "Competent mechanic" means anyone who:

(A) Is active at repairing vehicles of the type for which the designation is requested; and

(B) Receives a substantial part of their income by repairing vehicles.

(b) "Designated emergency vehicle" means a vehicle so designated, as allowed by ORS 801.260(3);

(c) "Emergency" means a sudden, generally unexpected occurrence or set of circumstances demanding immediate action;

(d) "Owner" means a person or firm who owns the vehicle, or their authorized representative.

(3) Transportation Safety will consider issuance of an emergency vehicle designation upon receipt of:

(a) A written request from the owner, that details:

(A) A complete description of the vehicle. This includes year model, make, body style, identification number, and the Oregon plate number, if a plate is assigned;

(B) How the vehicle will be used in emergency situations;

(C) The explicit need for this type of emergency vehicle in the area where it will be used;

(D) Any other data that shows special qualifications of the vehicle for emergency use. For example, it was manufactured as a fire truck, or, it has been specially converted or equipped with emergency supplies, life support equipment, etc.

(b) A map, detailing the actual area or routes where the vehicle will be used as an emergency vehicle;

(c) A certification, signed by a competent mechanic, that the vehicle is in a safe operating condition;

(d) A written recommendation from the sheriff's office of the county of registration of the vehicle; and

(e) Written recommendation(s) from all other law enforcement agencies in the area(s) in which the vehicle will be used as an emergency vehicle.

(4) Designated emergency vehicles shall be equipped with warning lights and sirens as required by ORS 801.260 that:

(a) Comply with Oregon law regarding types and usage, and with standards and requirements of Transportation Safety; and

(b) Are used only in emergency situations and as allowed by Oregon law.

(5) Designations that are approved shall be reviewed by Transportation Safety every two years. This will be to assure the vehicle and its usage still qualify for the designation. New data, as listed in section (3) of this rule, may be requested from the owner.

(6) Special traffic law privileges of ORS 820.300 through 820.320, apply to drivers of designated emergency vehicles:

(a) When the vehicle is actually being used in an emergency situation; and

(b) When the vehicle is operated in compliance with all traffic laws, including these special privileges.

(7) An emergency vehicle designation shall not be issued for law enforcement purposes.

(8) An emergency vehicle designation shall not authorize the vehicle to use blue warning lights.

(9) An emergency vehicle designation shall not be transferred to another vehicle. The owner may submit a written request that a replacement vehicle be designated. The request shall include:

(a) A description of both vehicles;

(b) A statement that there have been no changes in the emergency use of the vehicle; and

(c) A competent mechanic's certification for the replacement vehicle.

(10) An emergency vehicle designation shall be cancelled when:

(a) The vehicle has been sold;

(b) The vehicle will no longer be used as an emergency vehicle or in the area specified in the owner's request;

(c) A law enforcement agency requests cancellation due to abuse or violation of the designation or special traffic law privileges, or withdrawal of their favorable recommendation;

(d) A city, county or other governing body requests, and provides supporting data for cancellation;

(e) The vehicle is operated as an emergency vehicle, other than as permitted by the designation;

(f) The vehicle is operated in violation of Oregon law;

(g) There is no longer a need, because adequate emergency services are now provided in the area.

Stat. Auth.: ORS 184.616, 801.260, 815.230, 816.310, 820.350 & 820.370  
 Stats. Implemented: ORS 820.350

Hist.: MV 2-1987, f. & ef. 3-16-87; Administrative Renumbering 3-1988, Renumbered from 735-160-0020

**DIVISION 102**

**OCCUPANT/RIDER PROTECTION**

**735-102-0000**

**Seat Belt Assemblies and Seat Belt Assembly Anchorages**

The Transportation Safety Division of the Oregon Department of Transportation (Transportation Safety) adopts:

(1) **Federal Motor Vehicle Safety Standard (FMVSS) Number 208**, Occupant Crash Protection in Passenger Cars, Multipurpose Passenger Vehicles, Trucks and Buses regarding location and type of seat belts to be used in motor vehicles. This standard is as found in the **Code of Federal Regulations, Title 49, Part 571**.

(2) **FMVSS Number 209, Seat Belt Assemblies** regarding seat belt assemblies used in motor vehicles. This standard is as found in the **Code of Federal Regulation, Title 49, Part 571**.

(3) **FMVSS Number 210, Seat Belt Assembly Anchorages**, regarding anchorages used with seat belt assemblies in motor vehicles. This standard is as found in the **Code of Federal Regulations, Title 49, Part 571**.

Stat. Auth.: ORS 184.616, 815.030 & 815.055  
 Stats. Implemented: ORS 815.055

Hist.: MV 8-1978, f. & ef. 11-16-78; MV 6-1979, f. & ef. 10-18-79; Renumbered from 735-080-0006; MV 9-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-080-0060; DMV 12-1994, f. & cert. ef. 10-6-94

**735-102-0010**

**Child Safety Systems**

(1) The Transportation Safety Division of the Oregon Department of Transportation (Transportation Safety) adopts **Federal Motor Vehicle Safety Standard (FMVSS) Number 213, Child Restraint Systems**, as found in the **Code of Federal Regulations, Title 49, Part**

571. For purposes of this rule, Child Safety Systems and Child Restraint Systems shall be considered one and the same.

(2) Child safety systems, seat belt assemblies, anchorages, and other related devices that conform to federal standards, including labeling by the manufacturer to certify compliance, will be considered acceptable for use in vehicles. Use of such devices shall comply with requirements of the federal standard, and instructions of the manufacturer.

(3) Transportation Safety may request a manufacturer's test results for conformance review, and may consider testing or retesting at any time there is reason to believe an item does not meet established standards.

Stat. Auth.: ORS 184.616, 815.030 & 815.055  
 Stats. Implemented: ORS 815.055  
 Hist.: MV 6-1983, f. 10-5-83, ef. 1-1-84; Administrative Renumbering 3-1988, Renumbered from 735-080-0007; MV 9-1986, f. & ef. 6-20-86; DMV 12-1994, f. & cert. ef. 10-6-94

**735-102-0030  
 Bicycle, Skateboard, Scooter and In-Line Skate Protective Headgear (Helmets)**

(1) The Transportation Safety Division of the Oregon Department of Transportation adopts the mandatory national safety standard for bicycle helmets of the Consumer Product Safety Commission 16 CFR Part 1203, and the voluntary standards and specifications of the Snell Memorial Foundation (SNELL) B-90 and B-95, and the American Society for Testing and Materials (ASTM) F-1447-02, F-1492-00 and F-1898-01 for minimum performance criteria and test procedures for protective headgear for bicyclists, skateboarders, scooter riders and in-line skaters.

(2) The purpose of these standards is to reduce deaths and injuries by providing minimum acceptable levels of head protection.

(3) Protective headgear for bicyclists must be clearly labeled as required by federal law certifying compliance with U.S. CPSC standards. Additional certifications may be included as appropriate for specific headgear use.

[Publications: Publications referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619 & 815.052  
 Stats. Implemented: ORS 815.052  
 Hist.: DMV 8-1994, f. & cert. ef. 8-19-94; DMV 13-1994, f. & cert. ef. 10-20-94; DMV 12-2006, f. & cert. ef. 9-22-06

**DIVISION 104**

**WINDOWS AND GLAZINGS**

**735-104-0000  
 Glazing Materials**

The Transportation Safety Division of the Oregon Department of Transportation (Transportation Safety) adopts **Federal Motor Vehicle Safety Standard (FMVSS) Number 205, Glazing Materials**, regarding glazing materials that may be used in vehicle windows and windshields. This standard is as found in the **Code of Federal Regulations, Title 49, Part 571**.

Stat. Auth.: ORS 184.616, 815.030 & 815.040  
 Stats. Implemented: ORS 815.040  
 Hist.: MV 9-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-162-0000; DMV 12-1994, f. & cert. ef. 10-6-94

**DIVISION 106**

**BRAKE SYSTEMS/FLUIDS/RELATED DEVICES**

**735-106-0000  
 Motor Vehicle Brake Fluids**

(1) The Transportation Safety Division of the Oregon Department of Transportation (Transportation Safety) adopts **Federal Motor Vehicle Safety Standard (FMVSS) Number 116, Motor Vehicle Brake Fluids**, in regard to brake fluids for use in motor vehicles. This standard is as found in the **Code of Federal Regulations, Title 49, Part 571**.

(2) Motor vehicle brake fluids in compliance with this rule constitutes "hydraulic brake fluid" for purposes of ORS 815.065 and 815.085.

Stat. Auth.: ORS 184.616, 815.030 & 815.065  
 Stats. Implemented: ORS 815.065  
 Hist.: MV 9-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-163-0000; DMV 12-1994, f. & cert. ef. 10-6-94

**DIVISION 108**

**LIGHTING EQUIPMENT**

**735-108-0000  
 Lamps, Reflective Devices and Associated Equipment for Motor Vehicles**

(1) Transportation Safety adopts FMVSS Number 108, Lamps, Reflective Devices and Associated Equipment, in regard to such equipment and devices used in motor vehicles. This standard is as found in the Code of Federal Regulations, Title 49, Part 571, 1995 Edition, available from Transportation Safety.

(2) FMVSS 108 specifies requirements for the following original and replacement lamps, reflective devices, and associated equipment for motor vehicles:

- (a) Headlamps;
- (b) Taillamps;
- (c) Stoplamps;
- (d) High-mounted stoplamp;
- (e) License plate lamp;
- (f) Parking lamps;
- (g) Reflex reflectors;
- (h) Intermediate side reflex reflectors;
- (i) Intermediate side marker lamps;
- (j) Identification lamps;
- (k) Clearance lamps;
- (l) Side-marker lamps;
- (m) Backup lamps;
- (n) Turn signal lamps, turn signal operating unit, and turn signal flasher unit;
- (o) Vehicular hazard warning signal operation unit and flasher unit; and
- (p) Retroreflective sheeting.

[Publications: Publications referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 815.030, 816.010, 816.040 & 816.050  
 Stats. Implemented: ORS 816.010  
 Hist.: MV 9-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-164-0000; DMV 3-1997, f. & cert. ef. 1-21-97

**735-108-0005  
 Definitions Relevant to Division 108**

For purposes of OAR 735-108-0000 through 735-108-0110, the following definitions shall apply:

- (1) Backup lamp in compliance with FMVSS 108 constitutes "back-up lights" for purposes of ORS 811.515, 816.110, and 816.350.
- (2) Clearance lamps in compliance with FMVSS 108 constitutes "clearance lights" for purposes of ORS 811.515, 816.200, and 816.320.
- (3) "FMVSS" means Federal Motor Vehicle Safety Standard.
- (4) Headlamps in compliance with FMVSS 108 constitutes "headlights" for purposes of ORS 811.515, 816.050, 816.320, and 816.350.
- (5) Identification lamps in compliance with FMVSS 108 constitutes "identification lights" for purposes of ORS 811.525, 816.210, and 816.320.
- (6) License plate lamp in compliance with FMVSS 108 constitutes "registration plate light" for purposes of ORS 816.090, 816.320, and 816.350.
- (7) "Lights" means lamps as referenced in FMVSS and SAE standards.
- (8) Parking lamps in compliance with FMVSS 108 constitutes "parking lights" for purposes of ORS 811.515 and 816.130.
- (9) Reflex reflectors, intermediate side reflex reflectors and retroreflective sheeting in compliance with FMVSS 108 constitutes "reflectors" for purposes of ORS 816.180 and 816.320.
- (10) "SAE" means Society of Automotive Engineers.
- (11) Side marker lamps and intermediate side marker lamps in compliance with FMVSS 108 constitutes "marker lights" for purposes of ORS 811.515, 816.190, and 816.320.
- (12) Stop lamps and high-mounted stoplamp in compliance with FMVSS 108 constitutes "brake lights" for purposes of ORS 811.395, 816.100 and 816.320.
- (13) Taillamps in compliance with FMVSS 108 constitutes "tail-lights" for purposes of ORS 816.080 and 816.320.

(14) "Transportation Safety" means Transportation Safety Division of the Oregon Department of Transportation.

(15) Turn signal lamps, turn signal operating unit and turn signal flasher unit in compliance with FMVSS 108 constitutes "turn signals" for purposes of ORS 811.395, 811.515, 816.120, 816.320, and 816.350.

(16) Vehicular hazard warning lamps, signal operating unit and flasher unit in compliance with FMVSS 108 constitutes "hazard lights" for purposes of ORS 816.240 and 816.350.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030 & 816.010

Stats. Implemented: ORS 816

Hist.: DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0010

#### Aiming, Wiring and Mounting of Headlights for Motor Vehicles

(1) Transportation Safety adopts aiming, wiring and mounting requirements for motor vehicle headlights.

(2) The preparation for aiming of headlights shall be by one of the following methods:

(a) Mechanical aimer method:

(A) Calibrate the aimer for accuracy according to the instructions of the manufacturer; and

(B) Make compensation for the ground level in the aiming area.

(b) Visual aiming screen method:

(A) Locate the vehicle on a level surface, under normal load condition with the driver behind the steering wheel;

(B) Locate the screen 25 feet in front of the lens of the light;

(C) Adjust the screen to the level of the area on which the vehicle stands;

(D) Align the vehicle with the screen; and

(E) Activate the automatic (air) suspension if the vehicle is so equipped.

(3) Aiming of headlights:

(a) Aim lights according to vehicle manufacturer instructions when vehicle is equipped with self contained aiming devices;

(b) Adjust headlights to a setting of 0-0 when using a mechanical aimer;

(c) Aim the center of the high intensity zone at horizontal and straight ahead vertical for high beam, and aim the top edge of the high intensity zone at horizontal and the left edge at vertical for low beam, when using a visual aiming screen; or

(d) Aim lights according to manufacturer instructions when using other methods developed by vehicle or lighting equipment manufacturers for use on new vehicle and/or headlight designs. These methods are acceptable if they meet federal and/or SAE requirements.

(4) Wire headlights to meet the following:

(a) When headlights are turned on the taillights, clearance lights and marker lights will be illuminated;

(b) When vehicle is parked, the headlights can be turned off but permits parking lights to be turned on; and

(c) Headlights may alternate between high and low beams by means of a switch used at the driver's discretion.

(5) Mount headlights meeting the following:

(a) Securely, at the front on a rigid part of the vehicle other than window glazing;

(b) As far apart and symmetrically about the vertical center line of the vehicle per FMVSS and SAE requirements;

(c) Measure mounting height from ground level to the center of the lens; and

(d) Mount headlights not less than 22 inches nor more than 54 inches high.

Stat. Auth.: ORS 184.616, 815.030, 816.010, 816.040, 816.050 & 816.060

Stats. Implemented: ORS 816.010, 816.050, 816.060, 816.070 & 816.230

Hist.: MV 9-1979, f. & ef. 11-9-79; MV 22-1986, f. & ef. 12-16-86; Administrative Renumbering 3-1988, Renumbered from 735-080-0020; DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0020

#### Bus Safety Warning Lights

(1) Transportation Safety adopts SAE Standard J887, School Bus Warning Lamps, August 1987 Edition.

(2) For purposes of this rule, school bus warning lamps in compliance with SAE Standard J887 constitutes "bus safety lights" for purposes of ORS 811.515, 816.260, and 816.350.

(3) Bus Safety Lights shall be identified by the code "W2" in accordance with SAE Standard J759, Lighting Identification Code.

(4) School bus warning lamp types and use also are subject to requirements and specifications established by the Oregon Department of Education.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010 & 816.040

Stats. Implemented: ORS 816.010 & 816.260

Hist.: MV 1-1987, f. & ef. 2-17-87; Administrative Renumbering 3-1988, Renumbered from 735-164-0020; DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0030

#### 360-Degree Warning Lights

(1) Transportation Safety adopts SAE Standard J845, 360 Degree Warning Lamp for Authorized Emergency, Maintenance and Service Vehicles, January 1984 Edition.

(2) For purposes of this rule, a 360-degree warning lamp in compliance with SAE Standard J845 constitutes:

(a) "Police lights" for purposes of ORS 816.250 and 816.350;

(b) "Mail deliver lights" for purposes of ORS 811.515, 816.270, and 816.350;

(c) "Fire department warning lights" for purposes of ORS 816.285 and 816.350;

(d) "Ambulance warning lights" for purposes of ORS 820.350;

(e) "Public Vehicle warning lights" for purposes of ORS 816.280 and 816.350;

(f) "Tow vehicle warning lights" for purposes of ORS 816.280 and 816.350; and

(g) "Weighmaster and motor carrier enforcement officer warning lights" for purposes of ORS 816.280 and 816.350.

(3) 360-degree warning lamps shall be identified by the code "W" in accordance with SAE Standard J759, Lighting Identification Code.

(4) Ambulance warning light types and use also are subject to requirements and specifications established by the Oregon Health Division.

(5) School bus warning lamp types and use also are subject to requirements and specifications established by the Oregon Department of Education.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010 & 816.040

Stats. Implemented: ORS 811.515, 816.010 & 816.250 - 816.285

Hist.: MV 1-1987, f. & ef. 2-17-87; Administrative Renumbering 3-1988, Renumbered from 735-164-0030; DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0040

#### Flashing Warning Lights

(1) Transportation Safety adopts SAE Standard J595, Flashing Warning Lamps for Authorized Emergency, Maintenance and Service Vehicles, January 1990 Edition.

(2) For purposes of this rule, a flashing warning lamp in compliance with SAE Standard J595 constitutes:

(a) "Police lights" for purposes of ORS 816.250 and 816.350;

(b) "Mail delivery lights" for purposes of ORS 811.515, 816.270, and 816.350;

(c) "Fire department warning lights" for purposes of ORS 816.280 and 816.350;

(d) "Ambulance warning lights" for purposes of ORS 820.350;

(e) "Public vehicle warning lights" for purposes of ORS 816.280;

(f) "Tow vehicle warning lights" for purposes of ORS 816.280 and 816.350; and

(g) "Weighmaster and motor carrier enforcement officer warning lights" for purposes of ORS 816.280 and 816.350.

(3) Flashing warning lamps shall be identified by the code "W" in accordance with SAE Standard J759, Lighting Identification Code.

(4) Ambulance warning lamp types and use also are subject to requirements and specifications established by the Oregon Health Division.

(5) School bus warning lamp types and use also are subject to requirements and specifications established by the Oregon Department of Education.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010 & 816.040

Stats. Implemented: ORS 811.515, 816.010 & 816.250 - 816.285

Hist.: MV 1-1987, f. & ef. 2-17-87; Administrative Renumbering 3-1988, Renumbered from 735-164-0040; DMV 3-1997, f. & cert. ef. 1-21-97

**735-108-0045**

**Gaseous Discharge Warning Lights**

(1) Transportation Safety adopts SAE Standard J1318, Gaseous Discharge Warning Lamp For Authorized Emergency, Maintenance and Service Vehicles, April 1986 Edition. Gaseous discharge warning lamps are often referred to as “strobe” lights.

(2) For purposes of this rule, a gaseous discharge warning lamp in compliance with SAE Standard J1318 constitutes:

- (a) “Police lights” for purposes of ORS 816.250 and 816.350;
- (b) “Mail delivery lights” for purposes of ORS 811.515, 816.270, and 816.350;

(c) “Fire department warning lights” for purposes of ORS 816.280 and 816.350; and

(d) “Ambulance warning lights” for purposes of ORS 820.350.

(3) Gaseous discharge warning lamps shall be identified by the following codes in accordance with SAE Standard J579, Lighting Identification Codes, and SAE Standard J1318:

(a) For 360-degree warning lamps, the identification codes are:

(A) W5-1. Class 1 primary warning lamps for use on authorized emergency vehicles responding to emergency situations;

(B) W5-2. Class 2 primary warning lamps for use on authorized maintenance and service vehicles;

(C) W5-3. Class 3 primary warning lamps for use on authorized vehicles for identification.

(b) For directional warning lamps the identification code is W5.

(4) Ambulance warning lamp types and use also are subject to requirements and specifications established by the Oregon Health Division.

(5) School bus warning lamp types and use also are subject to requirements and specifications established by the Oregon Department of Education.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010 & 816.040

Stats. Implemented: ORS 811.515, 816.010 & 816.250 - 816.285

Hist. MV 5-1991, f. & cert. ef. 6-18-91; DMV 3-1997, f. & cert. ef. 1-21-97

**735-108-0050**

**Spot Lights**

(1) Transportation Safety adopts SAE Standard J591, Spot Lamps, May 1989 Edition.

(2) For purposes of this rule, spot lamps in compliance with SAE Standard J591 constitutes “spot lights” for purposes of ORS 811.515, 816.170, and 816.350.

(3) A spot lamp provides a substantially parallel beam of light which can be aimed in any direction by the user.

(4) The beam pattern shall be well defined and round or oval in shape.

(5) Spot lamps shall be identified by the code “O” in accordance with SAE Standard J579, Lighting Identification Code.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010, 816.040 & 816.170

Stats. Implemented: ORS 811.515, 816.010 & 816.170

Hist.: MV 63, f. 10-14-75, ef. 11-11-75; MV 1-1987, f. & ef. 2-17-87; Administrative Renumbering 3-1988, Renumbered from 735-080-0090; DMV 3-1997, f. & cert. ef. 1-21-97

**735-108-0060**

**Auxiliary Driving Lamps for Motor Vehicles**

(1) Transportation Safety adopts SAE Standard J581, Auxiliary Driving lamps, June 1989 Edition.

(2) For purposes of this rule, auxiliary driving lamps in compliance with SAE Standard J581 constitutes “passing lights” for purposes of ORS 811.515 and 816.070.

(3) Auxiliary driving lamps supplement the upper beam of a standard headlamp system.

(4) Auxiliary driving lamps shall be identified by the code “Y” in accordance with SAE Standard J759, Lighting Identification Code.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 816.010, 816.040 & 816.060

Stats. Implemented: ORS 811.515, 816.010 & 816.060

Hist.: MV 1-1987, f. & ef. 2-17-87; Administrative Renumbering 3-1988, Renumbered from 735-164-0060; DMV 3-1997, f. & cert. ef. 1-21-97

**735-108-0065**

**Mounting, Wiring and Aiming of Auxiliary Driving Lamps for Motor Vehicles**

(1) Transportation Safety adopts the mounting requirements for motor vehicle auxiliary driving lamps as follows:

(a) If one lamp is installed, mount the lamp on the left front side of the motor vehicle;

(b) If two lamps are installed, mount the lamps symmetrically around the front centerline of the motor vehicle;

(c) Mount lamps not less than 16 inches (40.6 cm) nor more than 42 inches (106.7 cm) above the level ground;

(d) Measure mounting height from ground level to the center of the lens of the lamp;

(e) Do not mount the lamps so they interfere with required motor vehicle lighting; and

(f) Do not mount the lamps higher than the motor vehicle head-light system.

(2) Transportation Safety adopts the wiring requirements for motor vehicle auxiliary driving lamps as follows:

(a) Auxiliary driving lamps shall be wired so they can only come on when the motor vehicle high beam headlights are on; and

(b) A switch shall be installed so the auxiliary driving lamps can be turned off or on leaving the height beam of the headlights on; and

(c) A steady burning indicator light shall be wired so it comes on when the front fog lamps are turned on and mounted in a location it is readily visible to the driver.

(3) Transportation Safety adopts the aiming requirements for motor vehicle auxiliary driving lamps as follows:

(a) Adjust lamps to a setting of 0-0 when using a mechanical aimer; or

(b) When using a visual aiming screen, aim the center of the high intensity beam straight ahead of the vertical and horizontal axis at a distance of 25 feet (7.6 m) from the lens.

Stat. Auth.: ORS 184.616 & 816.060

Stats. Implemented: ORS 816.060

Hist.: DMV 3-1997, f. & cert. ef. 1-21-97

**735-108-0070**

**Fog Lamps for Motor Vehicles and Trailers**

(1) Transportation Safety adopts SAE Standard J583, Front Fog Lamps, May 1981 Edition:

(a) For purposes of this rule, front fog lamps in compliance with SAE Standard J583 constitute “fog lights” for purposes of ORS 811.515 and 816.230;

(b) Front fog lamps supplement the lower beam of a standard headlamp system used on motor vehicles during limited visibility conditions of rain, snow, dust or fog; and

(c) Front fog lamps shall be identified by the code “F” in accordance with SAE Standard J759, Light Identification Code.

(2) Transportation Safety adopts SAE Standard J1319, Fog Tail Lamp (Rear Fog Light) Systems, August 1987 Edition.

(a) For purposes of this rule, fog tail lamp (rear fog light) systems in compliance with SAE Standard J1319 constitutes “fog lights” for purposes of ORS 811.515 and 816.230;

(b) Rear fog lights provide a steady burning red light of higher intensity than standard tail lights on a vehicle and are only used during limited visibility conditions of rain, dust, snow or fog; and

(c) Rear fog lights shall be identified by the code “F2” in accordance with SAE Standard J759, Lighting Identification Code.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010 & 816.040

Stats. Implemented: ORS 816.010 & 816.230

Hist.: MV 1-1987, f. & ef. 2-17-87; Administrative Renumbering 3-1988, Renumbered from 735-164-0070; DMV 3-1997, f. & cert. ef. 1-21-97

**735-108-0073**

**Mounting, Wiring and Aiming of Front Fog Lamps for Motor Vehicles**

(1) Transportation Safety adopts the mounting requirements for front fog lamps as follows:

(a) If one lamp is installed, mount the lamp on the left side of the motor vehicle;

(b) If two lamps are installed, mount the lamps symmetrically around the front centerline of the motor vehicle;

(c) Mount the lamps not less than 12 inches (30.5 cm) nor more than 30 inches (76.2 cm) above the level ground;

(d) Measure the mounting height from ground level to the center of the lens of the lamp;

(e) Do not mount the lamps so they interfere with required motor vehicle lighting; and

(f) Do not mount the lamps higher than the motor vehicle headlight system.

(2) Transportation Safety adopts the wiring requirements for motor vehicle front fog lamps as follows:

(a) Front fog lamps shall be wired so they can only come on when the motor vehicle low beam headlights are on; and

(b) A switch shall be installed so front fog lamps can be turned off or on leaving the low beam of the headlights on; and

(c) A steady burning indicator light shall be wired so it comes on when the front fog lamps are turned on and mounted in a location it is readily visible to the driver.

(3) Transportation Safety adopts the aiming requirements for motor vehicle front fog lamps as follows:

(a) Adjust lamps to a setting of 0-0 when using a mechanical aimer; or

(b) When using a visual aiming screen, the beam is to be centered laterally about the vertical axis and aim the top of the beam 4 inches (100 mm) below horizontal axis at a distance of 25 feet (7.6 m) from the lens.

Stat. Auth.: ORS 184.616 & 816.230

Stats. Implemented: ORS 816.230

Hist.: DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0076

#### Mounting, Wiring and Aiming of Rear Fog Lamps for Motor Vehicles and Trailers

(1) Transportation Safety adopts the mounting requirements for rear fog lamps as follows:

(a) If one lamp is installed, mount the lamp on the left side of the motor vehicle;

(b) If two lamps are installed, mount the lamps symmetrically around the rear centerline of the motor vehicle;

(c) Mount the lamps the same height above the level ground as taillights are mounted;

(d) Measure the mounting height from ground level to the center of the lens of the lamp; and

(e) Do not mount the lamps so they interfere with required motor vehicle lighting.

(2) Transportation Safety adopts the wiring requirements for motor vehicle rear fog lamps as follows:

(a) Rear fog lamps shall be wired so they can only come on when the motor vehicle low beam headlights are on;

(b) A switch shall be installed so rear fog lamps can be turned off or on leaving the low beam of the headlights on; and

(c) A steady burning indicator light shall be wired so it comes on when the rear fog lamps are turned on and mounted in a location it is readily visible to the driver.

(3) Transportation Safety adopts the aiming requirement for motor vehicle rear fog lamp through a horizontal angle from 45 degrees to the left and right of the center of the lamp.

Stat. Auth.: ORS 184.616 & 816.230

Stats. Implemented: ORS 816.230

Hist.: DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0080

#### Auxiliary Low Beam Lamps for Motor Vehicles

(1) Transportation Safety adopts SAE Standard J582, Auxiliary Low Beam Lamps, September 1984 Edition.

(2) For purposes of this rule, auxiliary low beam lamps in compliance with SAE Standard J582 constitutes "auxiliary lights" for the purposes of ORS 811.515 and 816.060.

(3) Auxiliary low beam lamps supplement the low beam of a standard headlamp system.

(4) Auxiliary low beam lamps shall be identified by the code "Z" in accordance with SAE Standard J759, Lighting Identification Code.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010 & 816.040

Stats. Implemented: ORS 811.515, 816.010 & 816.060

Hist.: MV 1-1987, f. & ef. 2-17-87; Administrative Renumbering 3-1988, Renumbered from 735-164-0080; DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0085

#### Mounting, Wiring and Aiming of Auxiliary Low Beam Lamps for Motor Vehicles

(1) Transportation Safety adopts the mounting requirements for auxiliary low beam lamps as follows:

(a) If one lamp is installed, mount the lamp on the left side of the motor vehicle;

(b) If two lamps are installed, mount the lamps symmetrically around the front centerline of the motor vehicle;

(c) Mount the lamps not less than 24 inches (61 cm) nor more than 42 inches (106.7 cm) above the level ground;

(d) Measure the mounting height from ground level to the center of the lens of the lamp;

(e) Do not mount the lamps so they interfere with required motor vehicle lighting; and

(f) Do not mount the lamps higher than the motor vehicle headlight system.

(2) Transportation Safety adopts the wiring requirements for motor vehicle auxiliary low beam lamps as follows:

(a) Auxiliary low beam lamps shall be wired so they can only come on when the motor vehicle low beam headlights are on;

(b) A switch shall be installed so lamps can be turned off when only use of the low beam of the headlight system is required or when high beam of the headlight light system is being used; and

(c) A steady burning indicator lights shall be wired so it comes on when the auxiliary low beam lamps are on and mounted in a location it is readily visible to the driver.

(3) Transportation Safety adopts the aiming requirements for motor vehicle front fog lamps as follows:

(a) Adjust lamps to a setting of 0-0 when using a mechanical aimer; or

(b) When using a visual aiming screen, the lamp or lamps shall be aimed with:

(A) The left edge of the high intensity zone of the beam one inch (25 mm) above horizontal at a distance of 25 feet (7.6 mm) from the lens; and

(B) The top edge of the high intensity zone of the beam five inches (130 mm) left of vertical at a distance of 25 feet (7.6 mm) from the lens.

Stat. Auth.: ORS 184.616 & 816.060

Stats. Implemented: ORS 816.060

Hist.: DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0090

#### Lamps, Reflective Devices and Associated Equipment for Motorcycles and Mopeds

(1) Transportation Safety adopts FMVSS Number 108, Lamps, Reflective Devices and Associated Equipment, in regard to such equipment and devices required for usage on motorcycles and mopeds, as found in the Code of Federal Regulations, Title 49, Part 571, October 1994 Edition.

(2) FMVSS 108 specifies requirements for the following original and replacement lamps, reflective devices and associated equipment:

(a) Headlamps;

(b) Taillamps;

(c) Stoplamps;

(d) License plate lamp;

(e) Reflex reflectors; and

(f) Turn signal lamps, turn signal operating unit and turn signal flasher unit.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010, 816.040 & 816.050.

Stats. Imp.: ORS 814.320, 816.010 & 816.050

Hist.: MV 1-1987, f. & ef. 2-17-87; Administrative Renumbering 3-1988, Renumbered from 735-164-0090; DMV 3-1997, f. & cert. ef. 1-21-97

### 735-108-0100

#### Motorcycle Auxiliary Front Lamps

(1) Transportation Safety adopts SAE Standard J1306, Motorcycle Auxiliary Front Lamps, June 1989 Edition.

(2) For purposes of this rule, motorcycle auxiliary front lamps in compliance with SAE Standard J1306 constitutes "auxiliary lights" for purposes of ORS 811.515 and 816.060.

(3) Motorcycle auxiliary front lamps supplement either the lower or upper beam of a standard motorcycle headlamp system.

(4) Motorcycle auxiliary front lamps shall be identified by the code "C" in accordance with SAE Standard J759, Lighting Identification Code.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030, 816.010, 816.040 & 816.060

Stats. Implemented: ORS 816.060

Hist.: DMV 3-1997, f. & cert. ef. 1-21-97



**735-108-0110****Mounting, Wiring and Aiming of Motorcycle Auxiliary Front Lamps**

(1) Transportation Safety adopts the mounting requirements for motorcycle auxiliary front lamps as follows:

(a) If one lamp is installed, mount the lamp on the left front side of the motorcycle;

(b) If two lamps are installed, mount the lamps symmetrically around the front centerline of the motorcycle;

(c) Mount lamps not less than 16 inches (40.6 cm) nor more than 42 inches (106.7 cm) above the ground;

(d) Measure mounting height from ground level to the center of the lens of the lamp; and

(e) Do not mount the lamps higher than the motorcycle headlight.

(2) Transportation Safety adopts the wiring requirements for motorcycle auxiliary front lamps as follows:

(a) The lamp shall be wired so it comes on with the motorcycle headlight;

(b) The lamp may be wired so it is on with either the low or high beam of the motorcycle headlight;

(c) A switch shall be installed so the lamp can be turned off when only use of the low beam of the headlight is required; and

(d) A steady burning indicator light shall be wired and mounted in a location it is readily visible to the driver and be on when the motorcycle auxiliary front lamps are in use.

(3) Transportation Safety adopts the aiming requirements for motorcycle auxiliary front lamps as follows:

(a) Adjust lamps to a setting of 0-0 when using a mechanical aimer; or

(b) When using a visual aiming screen, the lamp or lamps shall be aimed with:

(A) The left edge of the high intensity zone of the beam at a vertical line straight ahead of the lamp center; and

(B) The top edge of the high intensity zone at the level of the lamp center at a distance of 25 feet (7.6 m) from the lens.

Stat. Auth.: ORS 184.616, 815.030, 816.010, 816.040 & 816.060

Stats. Implemented: ORS 816.060

Hist.: DMV 3-1997, f. & cert. ef. 1-21-97

**735-108-0120****Lamps, Reflective Devices and Associated Equipment for Use on Trailers**

(1) Transportation Safety adopts FMVSS Number 108, Lamps, Reflective Devices and Associated Equipment, in regard to such equipment and devices used on trailers. This standard is as found in the Code of Federal Regulations, Title 49, Part 571, 1995 Edition, available from Transportation Safety.

(2) FMVSS 108 specifies requirements for the following original and replacement lamps, reflective devices and associated equipment for motor vehicles:

(a) Taillamps;

(b) Stoplamps;

(c) High-mounted stoplamp;

(d) License-plate lamp;

(e) Parking lamps;

(f) Reflex reflectors;

(g) Intermediate side reflex reflectors;

(h) Intermediate side marker lamps;

(i) Identification lamps;

(j) Clearance lamps;

(k) Side-marker lamps;

(l) Backup lamps;

(m) Turn signal lamps, turn signal operating unit, and turn signal flasher unit;

(n) Vehicular hazard warning signal operation unit and flasher unit; and

(o) Retroreflective sheeting.

Stat. Auth.: ORS 184.616, 815.030, 816.010 & 816.040

Stats. Implemented: ORS 816.010

Hist.: DMV 3-1997, f. & cert. ef. 1-21-97

**DIVISION 110****HORNS/SIRENS/SOUND DEVICES****735-110-0000****Definitions Relevant to Sirens**

The following definitions shall apply regarding rules and standards for sirens for ambulances and emergency vehicles:

(1) "AAMVA" means the American Association of Motor Vehicle Administrators, 1201 Connecticut Avenue N.W., Suite 910, Washington D.C. 20036.

(2) "ANS" means a standard adopted by the American National Standards Institute, Inc., 1430 Broadway, New York, N.Y. 10018.

(3) "Ambulance" means any privately or publicly owned motor vehicle that is regularly provided or offered to be provided for the emergency transportation of persons suffering from illness, injury or disability.

(4) "CAC Title 13, Article 8" means recognized standards for sirens, compiled by the State of California. (Effective 10/31/81)

(5) "Electromechanical Siren" means a siren with a stator and rotor driven by an electric motor.

(6) "Electronic Siren" means a siren with an oscillator, amplifier and speaker.

(7) "Emergency Vehicle" means a vehicle that is equipped with lights and sirens as required under ORS 815.230, 816.310, 820.350, and 820.370 and that is any of the following:

(a) Operated by public police, fire or airport security agencies;

(b) Designated as an emergency vehicle by a federal agency; or

(c) Designated as an emergency vehicle in writing by the Manager of Transportation Safety.

(8) "Hi-Lo" means a nonsiren sound, as defined in this rule.

(9) "Manual" means a siren control that allows the operator to produce a wailing sound by alternately applying and releasing a momentary contact switch.

(10) "Mechanical Siren" means a siren with a stator and rotor driven by a mechanical connection to a moving part of the vehicle or engine.

(11) "Nonsiren Sound" means an audible device, such as a vehicle theft alarm, that produces:

(a) An unvarying sound;

(b) A varying sound that cycles at a rate faster than 400 cycles per minute; or

(c) A discontinuous sound that repeats at rates lower than 90 cycles per minute or higher than 400 cycles per minute.

(12) "SAE" means a standard or recommended practice of the Society of Automotive Engineers, 400 Commonwealth Drive, Warrendale, Pennsylvania 15096.

(13) "Siren" means a warning device that produces the audible sound readily identified with emergency vehicles.

(14) "Transportation Safety" means the Transportation Safety Division of the Department of Transportation.

(15) "Wail" means a siren sound that is a slow, continuous automatic cycling of increasing and decreasing frequencies and sound levels.

(16) "Yelp" means a siren sound producing a rapid continuous automatic cycling of increasing and decreasing frequencies and sound levels.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 815.030 & 820.370

Stats. Implemented: ORS 815.030, 815.225 - 815.230 & 820.350 - 820.370

Hist.: MV 63, f. 10-14-75, ef. 11-11-75; MV 10-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-080-0055

**735-110-0010****Siren Standards**

(1) Siren rules shall apply to sirens as required on authorized emergency vehicles in accordance with ORS 801.260, 815.230, 820.370, and 820.380.

(2) Sirens that meet requirements of standards in **CAC Title 13, Article 8**, with included ANS and SAE items shall be acceptable for use on ambulances and emergency vehicles.

(3) Sirens may contain the "nonsiren" "Hi-Lo" function, however, this function shall not be used instead of other siren functions or warning sounds.

(4) Ambulances regulated by the Health Services are also subject to siren requirements of that agency. This includes, but is not limited to, the federal specification for the “**Star-of-Life Ambulance,**” **KKK-A-1822B, Part 3.14.6, dated June 1, 1985.**

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 815.030 & 820.370  
Stats. Implemented: ORS 815.030, 815.225 - 815.230 & 820.350 - 820.370  
Hist.: MV 63, f. 10-14-75, ef. 11-11-75; MV 10-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-080-0050

**735-110-0020**

**Approval of Sirens**

(1) Sirens that meet requirements of standards in **CAC Title 13, Article 8**, with included ANS and SAE items are acceptable for use on ambulances and emergency vehicles.

(2) Manufacturer methods for verifying siren approval by the Transportation Safety shall be:

(a) A Notice of Equipment Compliance issued by the American Association of Motor Vehicle Administrators (AAMVA). This shall constitute Transportation Safety approval, provided:

(A) The siren is tested to comply with standards adopted by Transportation Safety; and

(B) The Notice of Equipment Compliance is on file with Transportation Safety.

(b) A certificate of approval issued by Transportation Safety.

(3) To request issuance of a certificate of approval by Transportation Safety, a manufacturer shall submit:

(a) A written request; and

(b) A test report from a testing laboratory that shows the siren complies with standards adopted by Transportation Safety.

(4) Testing to Transportation Safety standards shall not preclude testing to more stringent standards.

(5) A certificate of approval issued by Transportation Safety shall show an expiration date. This shall be five years from the date of issuance, except when approval is for a shorter, limited term.

(6) A new test report and a request for renewal of Transportation Safety’s approval certificate shall be submitted if continued sale of the siren is desired. The report and request must be submitted at least one month and not more than six months prior to the expiration date.

(7) The manufacturer shall notify Transportation Safety of any changes in identification markings, or of modifications or changes in design, mechanical construction or function that may affect the performance of an approved siren. Tests or testing results of the modified device may be required at the discretion of Transportation Safety.

(8) Even though an AAMVA compliance notice or a Transportation Safety approval certificate has expired, a siren owner may:

(a) Continue to use a siren installed on a vehicle prior to the expiration date;

(b) Transfer a siren between owned vehicles; or

(c) Sell the siren for use on another emergency vehicle.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 815.010, 815.030 & 820.370  
Stats. Implemented: ORS 815.030, 815.225 - 815.230 & 820.350 - 820.370  
Hist.: MV 63, f. 10-14-75, ef. 11-11-75; MV 10-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-165-0020

**735-110-0030**

**Identification Markings for Sirens**

(1) Sirens and components shall be marked as specified in **Part 1023 of CAC Title 13, Article 8.**

(2) Markings shall include the manufacturer’s or vendor’s name, initials or lettered trademark, and a model designation.

(3) Markings shall be permanently imprinted into, upon, or attached, in letters and numbers at least 1/8 inch in height.

(4) Markings, with the exception of those on a speaker driver or on speakers within warning lamp housings, shall be in a location so as to be legible when the siren is installed on a vehicle.

(5) Markings shall be on:

(a) Each siren; and

(b) Each major component of an electronic siren, including the speaker, speaker driver, amplifier, and control panel (if separate from the amplifier).

(6) Speaker drivers for electronic sirens shall also be marked to include the rms wattage.

(7) Electronic siren controls shall be marked to indicate each siren function by the words “Manual,” “Wail,” and “Yelp” spelled out

or abbreviated. The marking “Hi-Lo” may remain on the control panel, even though this function may have been removed, made inoperable or is not used.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 815.030, 815.230 & 820.370  
Stats. Implemented: ORS 815.030, 815.225 - 815.230 & 820.350 - 820.370  
Hist.: MV 63, f. 10-14-75, ef. 11-11-75; MV 10-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-080-0065

**735-110-0040**

**Siren Test Procedures and Performance Requirements**

Siren testing procedures and performance requirements shall be to the specifications of **CAC Title 13, Article 8**, including:

(1) Test Data;

(2) Identification Markings;

(3) Instrumentation for Testing;

(4) Testing Sites;

(5) Microphone and Personnel Stations (locations);

(6) Siren Test Procedures; and

(7) Performance Requirements, with the exception that sirens may contain the “Hi-Lo” function, but not for use in lieu of other siren functions or warning sounds.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 815.030, 815.230 & 820.370  
Stats. Implemented: ORS 815.030, 815.225 - 815.230 & 820.350 - 820.370  
Hist.: MV 10-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-165-0040

**735-110-0050**

**Siren Mounting**

(1) Installation of sirens and speakers on authorized emergency vehicles shall be as follows:

(a) Class A electromechanical and mechanical sirens shall be mounted outside of the vehicle or, between the grille and radiator, or under the hood;

(b) Class B electromechanical and mechanical sirens shall be mounted outside of the vehicle, or between the grille and the radiator;

(c) Class A and B electronic sirens shall be mounted outside of the vehicle or with the horn opening facing forward ahead of the radiator with a relatively open path for the sound to project forward. The horn axis shall be parallel to the vehicle centerline;

(d) Dual speakers for electronic sirens shall be connected in phase and mounted so that the speaker axis is parallel to the vehicle centerline or angled outward not more than ten degrees to the sides;

(e) Electronic siren speakers may be mounted facing forward behind a speaker grille in a lightbar.

(2) Ambulances regulated by the Health Services are also subject to requirements of that agency. This includes the requirements for a **Siren-Public Address System, Part 3.14.6 of KKK-A-1822B**, the federal specifications for the “**Star-of-Life Ambulance.**”

(3) Mechanical motorcycle sirens that do not operate when the vehicle is stationary shall not be installed on motorcycles manufactured after January 1, 1981.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 815.030, 815.230, 815.370 & 820.380  
Stats. Implemented: ORS 815.030, 815.225 - 815.230 & 820.350 - 820.370  
Hist.: MV 63, f. 10-14-75, ef. 11-11-75; MV 10-1987, f. & ef. 9-1-87; Administrative Renumbering 3-1988, Renumbered from 735-080-0080

**DIVISION 112**

**COUPLING DEVICES/HITCHES**

**735-112-0000**

**Vehicle Coupling Devices, Hitches and Safety Chains**

The Transportation Safety Division of the Department of Transportation adopts the **Society of Automotive Engineers Standard, Number SAE J684f**, relating to Automotive Type Trailer Coupling Devices, Hitches and Safety Chains.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 818.150, 818.160 & 818.170  
Stats. Implemented: ORS 815.150  
Hist.: MV 4-1979, f. & ef. 10-18-79; Renumbered from 735-080-0195; MV 9-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-080-0195

DIVISION 114

WARNING DEVICES

735-114-0000

Red Emergency Reflective Warning Devices

The Transportation Safety Division of the Department of Transportation adopts **Federal Motor Vehicle Safety Standard (FMVSS) Number 125, Warning Devices**, in regard to red emergency reflective warning devices (triangles), intended for use as roadside warning devices for stopped or disabled vehicles. This standard is as found in the **Code of Federal Regulations, Title 49, Part 571**.

Stat. Auth.: ORS 184.616, 815.030 & 815.035  
 Stats. Implemented: ORS 815.070  
 Hist.: MV 9-1986, f. & ef. 6-20-86; Administrative Renumbering 3-1988, Renumbered from 735-167-0000

735-114-0010

Warning Devices for Stopped or Disabled Vehicles

(1) The Transportation Safety Division of the Department of Transportation adopts federal safety regulations relating to devices that warn approaching traffic of a stopped or disabled vehicle. The devices, including vehicle hazard warning lights, and roadside vehicle warning devices, shall be used and placed as described in the **Code of Federal Regulations, Title 49, Number 392.22**.

(2) The type of roadside vehicle warning devices used shall be as described in the **Code of Federal Regulations, Title 49, Number 393.95(4)(f) through 393.95(k)**. Bi-directional emergency reflective triangles shall be of the type covered by **Federal Motor Vehicle Safety Standard (FMVSS) Number 125, Warning Devices**.

(3) Vehicles subject to this rule are listed in ORS 811.530(2). School buses and school activity vehicles are also subject to rules and requirements of the Oregon Department of Education related to use of these devices, the types that must be used, and their storage in vehicles.

Stat. Auth.: ORS 184.616, 811.530, 815.035 & 815.285  
 Stats. Implemented: ORS 815.070  
 Hist.: MV 13-1983(Temp), f. 10-14-83, ef. 10-15-83; MV 22-1983, f. 12-30-83, ef. 1-1-84; Administrative Renumbering 3-1988, Renumbered from 735-080-008; MV 9-1986, f. & ef. 6-20-86

735-114-0020

Slow-Moving Vehicle Emblems

The Transportation Safety Division of the Department of Transportation adopts the **American Society of Agriculture Engineers (ASAE) Standard, number ASAE S276.3 — Slow-Moving Vehicle Identification Emblem, (SMV) and ASAE Recommendation, number ASAE R276, Emblem for Identifying Slow-Moving Vehicles**, with the following modifications and additions:

(1) Body of Emblem, Material, and Surface: The background materials as listed in and prepared per ASAE S276.3 and ASAE R276 may be used as a background for SMV Emblems. In addition, any other rustproof and waterproof material of sufficient thickness to assure a permanent flat surface and allow permanent adhesion of pressure-sensitive materials may be used. Fiberglass, plastic, or medium density overlaid plywood are examples of the additional materials acceptable for use for the background of emblems.

(2) Mounting:

(a) Location — The SMV Emblem shall be mounted point upward, 3 to 5 feet above the ground, on the center rear of vehicle or as near left center as possible.

(b) Types of Mounting:

(A) The portable method of mounting with a tapered metal blade attached to the back of the SMV Emblem as described in **R276 5.2.1**.

(B) The SMV Emblem attached to or manufactured with a proper background material, may be directly attached to a flat surface of the slow-moving vehicle, with bolts or screws.

(C) An adhesive-backed emblem may be directly applied to a flat surface of the vehicle.

(3) Additional Requirements:

(a) Whenever a combination of vehicles is being operated, and the SMV Emblem on the front or towing vehicle is obscured by other vehicle(s) in the combination, an additional emblem shall be displayed on the rearmost vehicle of the combination.

(b) The orange fluorescent pressure-sensitive material in the center of the SMV Emblem shall be replaced when it is no longer visible

in normal sunlight for a distance of 500 feet. The red reflective pressure sensitive material on the border of the SMV Emblem shall be replaced when it is no longer visible at night from a distance of 500 feet when illuminated by the lower beam of motor vehicle headlights.

(c) The SMV Emblem shall be used on horse drawn vehicles as well as all other vehicles designed for speeds of less than 25 miles per hour, including those vehicles described in ORS 815.110, when the vehicles are operated on a highway as defined in ORS 801.305.

(d) The SMV Emblem shall be maintained in a clean condition.

(e) The SMV Emblem does not replace vehicle lighting and/or warning flags as required by Oregon Law.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616 & 815.060  
 Stats. Implemented: ORS 815.060  
 Hist.: MV 12-1986, f. & ef. 8-22-86; Administrative Renumbering 3-1988, Renumbered from 735-041-0005

DIVISION 116

STANDARDS FOR OFF-ROAD VEHICLES

735-116-0000

Safety Equipment Standards for Off-Road Vehicles

(1) The Transportation Safety Division of the Department of Transportation adopts the following equipment requirements for off-road vehicles that operate in areas as described in ORS 821.020.

(2) For purposes of this rule, the following definitions apply:

(a) "Off-road vehicle" means any motor vehicle designed for or capable of cross-country travel on or immediately over land, water, sand, snow, ice, marsh, swampland, or other natural terrain;

(b) "Motor vehicle" means any vehicle which is self-propelled;

(c) "Motorcycle" means any motor vehicle designed to travel with not more than two wheels in contact with the ground, and so that the driver sits astride the vehicle frame and a Class III all-terrain vehicle as defined in ORS 801.194;

(d) "Multi-wheeled motorized vehicle" means a Class I all-terrain vehicle as defined in ORS 801.190 and any other motor vehicle, except a tractor, designed to travel with three or more wheels in contact with the ground, with the driver sitting astride the vehicle frame; and

(e) "Class II all-terrain vehicle" means any motor vehicle as defined in ORS 801.193.

(3) Safety equipment standards for off-road vehicles subject to this rule are:

(a) Brakes. All vehicles must have disc or drum brakes that are operable and effective in bringing the vehicle to a stop;

(b) Chain Guard. Any vehicle equipped with a chain must have a guard so designed that in the event of failure, the chain will remain under the vehicle;

(c) Fire Extinguisher. All vehicles, except motorcycles and multi-wheeled motorized vehicles, must be equipped with a functional dry chemical type fire extinguisher of at least two pounds capacity that is approved by the Underwriters Laboratories or other acceptable testing agency;

(d) Flag. All vehicles must display a highly visible red or orange flag when operating on the sand. The flag must:

(A) Be displayed at a height of at least nine feet from the ground level when the vehicle is under power; and

(B) Have one side that is at least eight inches wide, and be at least twelve inches long;

(e) Floor Pan/Foot Pads. All vehicles must have floor pans, with the exception of motorcycles and multi-wheeled motorized vehicles, that must have foot pads or the equivalent, so designed and mounted as to keep the driver's and any passenger's feet within the frame of or from underneath the vehicle;

(f) Fuel Tank. All fuel tanks must be:

(A) Securely mounted;

(B) Properly constructed of metal, plastic, or other industry safety approved material;

(C) Properly constructed for the carrying of fuel; and

(D) All connections must be kept secure and tight.

(g) Muffler. All vehicles must be equipped with a muffler that conforms to the current noise level and defect standards of the Department of Environmental Quality for vehicles operated off-road;

(h) Roll Bar. All vehicles, except motorcycles and multi-wheeled motorized vehicles, must be equipped with a roll bar or other enclosure that will support the vehicle's weight and be so designed as to protect the occupants' head(s) when the vehicle is resting on this roll bar or enclosure;

(i) Seats. All vehicles must be equipped with a securely mounted seat for the driver and each passenger;

(j) Seat Belts. All vehicles, except motorcycles and multi-wheeled motorized vehicles, must be equipped with securely mounted seat belts of the quick-release type, readily available for use for the driver and each passenger;

(k) Windshield Wipers. All vehicles equipped with a windshield, except motorcycles, must have an effective working windshield wiper;

(l) Headlights and Taillights. At any time from one-half hour after sunset to one-half hour after sunrise, all vehicles shall be equipped with and display headlights and taillights. Motorcycles and multi-wheeled motorized vehicles shall be equipped with a minimum of one headlight and one taillight.

Stat. Auth.: ORS 184.616, 184.619 & 821.030

Stats. Implemented: ORS 821.010 - 821.040

Hist.: MV 65, f. & ef. 12-15-75; MV 17-1983, f. & ef. 12-5-83; MV 12-1986, f. & ef. 8-22-86; Administrative Renumbering 3-1988, Renumbered from 735-080-0200; DMV 10-2003(Temp), f. & cert. ef. 7-17-03 thru 1-12-04; DMV 2-2004, f. & cert. ef. 1-15-04

**DIVISION 118**

**IGNITION INTERLOCK DEVICES**

**735-118-0000**

**Definitions Relevant to Ignition Interlock Devices**

For purposes of OAR 735-118-0000 through 735-118-0040, the following definitions will apply:

(1) "Alcohol" means the generic class of organic compounds known as alcohols and, specifically, the chemical compound ethyl alcohol. For the purpose of ignition interlock devices, there is no requirement expressed or implied that the device be manufactured specifically to detect ethyl alcohol.

(2) "Alveolar Air" also called "Deep Lung Air" means the air sample which is the last portion of a prolonged, uninterrupted exhalation and which gives a quantitative measurement of alcohol concentration from which blood alcohol concentration can be determined. The alveoli are the smallest air passages in the lungs, surrounded by capillary blood vessels and through which an interchange of gasses occurs during respiration. Alcohol in the blood is eliminated from the lungs via the alveoli.

(3) "Blood Alcohol Concentration (BAC)" means the weight (w) amount of alcohol contained in a unit volume (v) of blood, measured in grams Ethanol/100ml blood and expressed as %, grams %, % w/v and % BAC. Blood alcohol concentration in these rules will be designated a "% BAC."

(4) "Bogus" means air samples that are not human breath samples and may include but are not limited to compressed air, hot air dryers, balloons filled with air (human breath or other air sources), manual air pumps.

(5) "Court" means a court that has made the use of an ignition interlock device a mandatory part of a particular individual's sentencing for a conviction of driving under the influence of intoxicants.

(6) "Customer" means anyone, including, but not limited to, a person, company, agency or organization that purchases, rents, or leases, etc., an ignition interlock device from a manufacturer.

(7) "Device" means an ignition interlock device.

(8) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(9) "Ignition Interlock Device" means an instrument designed to measure the BAC of an individual and which prevents a motorized vehicle from starting when the BAC exceeds a predetermined and pre-set level.

(10) "Interlock" means the state in which a device prevents a motor vehicle from starting.

(11) "Manufacturer" means a person, company, or corporation, who manufactures or produces an ignition interlock device.

(12) "Provider" means a person, company, corporation or representative who provides, installs, sells, rents or leases an ignition interlock device.

(13) "Purge" means any mechanism by which a device cleanses or removes a previous breath test sample from the device and specifically removes residual alcohol.

(14) "Restart" means the ability to start the engine again without giving another test. A "restart" occurs after a test is successfully completed, the vehicle is started, and then, at some point, the engine stops for any reason (including stalling) and must be restarted.

Stat. Auth.: ORS 184.616, 184.619 & 813.600

Stats. Implemented: ORS 813.600

Hist.: MV 36-1987(Temp), f. & ef. 12-1-87; Administrative Renumbering 3-1988, Renumbered from 735-169-0000; MV 17-1988, f. & cert. ef. 5-18-88; DMV 11-2001, f. & cert. ef. 7-18-01; DMV 9-2005, f. & cert. ef. 2-16-05

**735-118-0010**

**Ignition Interlock Devices Approved in Oregon and Providers**

(1) Ignition interlock devices acceptable for use in Oregon must be:

(a) Devices certified by the manufacturer to meet the requirements of ORS 813.600(2) and OAR 735-118-0040; and

(b) Devices for which the manufacturer meets product liability requirements of OAR 735-118-0020.

(2) DMV will publish a list of the devices that meet the requirements of section (1) of this rule and of the providers of those devices.

[ED. NOTE: Lists referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619 & 813.600

Stats. Implemented: ORS 813.600

Hist.: MV 36-1987(Temp), f. & ef. 12-1-87; Administrative Renumbering 3-1988, Renumbered from 735-169-0010; MV 17-1988, f. & cert. ef. 5-18-88; DMV 11-2001, f. & cert. ef. 7-18-01; DMV 9-2005, f. & cert. ef. 2-16-05

**735-118-0020**

**Product Liability for Ignition Interlock Devices**

(1) Each manufacturer of ignition interlock devices must have product liability insurance with minimum liability limits of one million dollars per occurrence. There must be no cancellation, material change, exhaustion of aggregate limits or intent not to renew the coverage by the manufacturer or the insurance company without 30 days written notice to DMV.

(2) Each manufacturer of devices that appear on Oregon's approved device list must provide to DMV, a statement that the manufacturer will be totally responsible for product liability and to indemnify the following from any liability resulting from the device or its installation or use:

(a) The State of Oregon;

(b) The court that ordered installation of the device; and

(c) The testing laboratory that has verified the device meets DMV standards and requirements.

(3) As evidence of product liability insurance, each manufacturer must, upon request, provide a certificate of insurance to DMV.

Stat. Auth.: ORS 184.616, 184.619 & 813.600

Stats. Implemented: ORS 813.600

Hist.: MV 36-1987(Temp), f. & ef. 12-1-87; Administrative Renumbering 3-1988, Renumbered from 735-169-0020; MV 17-1988, f. & cert. ef. 5-18-88; DMV 11-2001, f. & cert. ef. 7-18-01

**735-118-0030**

**Removal from List of Approved Ignition Interlock Devices**

(1) DMV may remove a device from the list of approved devices, upon any of the following grounds:

(a) Evidence of repeated device failures due to gross defects in design, materials or workmanship during manufacture;

(b) Notices of cancellation of the manufacturer's liability insurance;

(c) Notification that the manufacturer or provider is no longer in business;

(d) Voluntary request from the manufacturer to remove a device from the approved list; or

(e) Any other reasonable cause to believe the device was inaccurately represented to meet the performance standards.

(2) When a device is removed from the list of approved devices that device will no longer be acceptable for new installations. However, DMV will allow those individuals who currently have that device installed in a vehicle to continue with that device until the end of the requirement for an IID.

Stat. Auth.: ORS 184.616, 184.619 & 813.600

Stats. Implemented: ORS 813.600

Hist.: MV 36-1987(Temp), f. & ef. 12-1-87; Administrative Renumbering 3-1988, Renumbered from 735-169-0030; MV 17-1988, f. & cert. ef. 5-18-88; DMV 11-2001, f. & cert. ef. 7-18-01; DMV 9-2005, f. & cert. ef. 2-16-05

**735-118-0040**

**Performance Standards for Ignition Interlock Devices**

An ignition interlock device must meet the following performance standards:

- (1) Function properly 95 percent of the time.
- (2) Not impede the safe operation of the vehicle in any way.
- (3) Be manufactured with all reasonable precautions taken to prevent tampering or physical circumvention of device functions.
- (4) Utilize breath samples that are alveolar air samples.
- (5) Be capable of being preset to a specific % BAC from a range of 0.00 through 0.10% BAC (+ or - .005%). Devices installed must be preset to % BAC specified by DMV.
- (6) Prevent the vehicle from starting if the breath sample is equal to or higher than the preset % BAC.
- (7) Prevent the vehicle from starting for a period of time not to exceed 15 minutes due to:
  - (a) Three failure attempts; or
  - (b) Breath sample exceeding preset alcohol level.
- (8) Automatically and completely purge all residuals within ten minutes before allowing subsequent tests.
- (9) Allow the vehicle to be started if alcohol under the preset % BAC is detected in the breath sample.
- (10) Detect bogus air samples.
- (11) Prevent vehicle starting due to use of a bogus air sample.
- (12) Detect a condition that would be considered tampering and:
  - (a) Prevent starting if repair or recalibration to the vehicle and device are not completed within seven days; or
  - (b) Have a computer printout or other means of indicating tampering to the authorized service technician.
- (13) Require a periodic inspection every 60 days. The vehicle owner will be reminded of the inspection by:
  - (a) Activation of an indicator light on the device, not less than three days prior to the scheduled inspection date;
  - (b) Notification by certified mail, not less than seven days prior to the scheduled inspection date; or
  - (c) Both the indicator light and certified mailing of the reminder.
- (14) Function properly in a temperature range of -40 degrees to +70 degrees centigrade.
- (15) Function properly at all altitudes through 10,000 feet.
- (16) Permit a restart within three minutes, without an additional test, when the ignition is turned off or the vehicle has stalled.

Stat. Auth.: ORS 184.616, 184.619 & 813.600

Stats. Implemented: ORS 813.600

Hist.: MV 36-1987(Temp), f. & ef. 12-1-87; MV 41-1987(Temp), f. & ef. 12-18-87; Administrative Renumbering 3-1988, Renumbered from 735-169-0040; MV 17-1988, f. & cert. ef. 5-18-88; DMV 11-2001, f. & cert. ef. 7-18-01

**DIVISION 120**

**DEFINITIONS/RIGHTS OF TRANSPORTATION SAFETY**

**735-120-0000**

**Rights of Transportation Safety**

- (1) The purpose of this Safety Code is to prescribe minimum standards for the safe transportation of workmen to and from their place of employment as set forth in ORS 820.010 to 820.070.
- (2) All standards in this Code are minimum. They can be made more stringent if necessary to protect the life and safety of persons.
- (3) All owners of motor vehicles used to transport workmen, or their duly appointed agents, and drivers of such vehicles shall abide by all safety orders issued to them by the Transportation Safety Division of the Department of Transportation (Transportation Safety), the Department of Consumer and Business Services, or by their duly authorized representatives.
- (4) In exceptional cases where the rigid application or compliance with a standard can only be accomplished to the detriment and serious disadvantage of an operation, exception to the standard will be considered upon written application to Transportation Safety. After thorough investigation, an exception may be granted or another rule applied or devised.
- (5) Any person or party aggrieved by an order issued under the provisions of this Code may apply to Transportation Safety for a

rehearing. Such application shall be made in accordance with the provisions of ORS 183.480, and shall set forth in full detail the grounds upon which the applicant considers the order unjust.

(6) It is recognized that a definite, positive Safety Code cannot anticipate all contingencies. Transportation Safety, after due notice and opportunity to be heard, may require additional standards to insure adequate safety and upon its own motion, or upon application of any owner, or his duly appointed agent, may modify any provision of this Code.

(7) The right of inspection and examination of worker transportation vehicles at any reasonable time is reserved by Transportation Safety or its duly appointed representative.

(8) Terms used in this Code other than those specifically defined shall be interpreted in the most commonly accepted sense.

(9) Roadway is defined as any public street or roadway when referred to in this Code.

Stat. Auth.: ORS 184.616, 820.010 & 820.070

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; MV 60, f. 10-14-75, ef. 11-11-75; Administrative Renumbering 3-1988, Renumbered from 735-081-0000

**Definitions — Trailers Prohibited — School Bus Identification Removal — Construction and Mechanical Equipment**

**735-120-0010**

**Definitions**

The following definitions shall be used for the purpose of this Code:

- (1) "Class 'A' vehicle": A vehicle of the bus type designed to carry 12 or more workers; or of the "work crew" type especially built or accommodated for carrying passengers.
- (2) "Class 'B' vehicle": A vehicle especially built or accommodated for transporting work crews in compartments separate from space used to transport supplies, tools, and equipment such as vehicles commonly used by public utilities.
- (3) "Class 'C' vehicle": A vehicle of the flatbed, pickup body, or dump truck body type, or of similar open body construction.
- (4) "Class 'D' vehicle": A vehicle of the passenger car or station wagon type.

Stat. Auth.: ORS 184.616 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0010

**DIVISION 122**

**INSPECTION/TESTING/REPAIRS**

**735-122-0000**

**Inspection, Testing, and Repairs**

- (1) All vehicles shall be kept in good repair and safe operating condition at all times. Vehicles with defective gears, tires, steering equipment, or foot and emergency brakes shall not be used to transport workers.
- (2) Inspection or testing of all parts vital to the safe operation of vehicles such as brakes, steering gear, tires, lights, and signaling devices shall be made at the beginning of each shift or each day, and as often as necessary during use. Any condition found then or at any other time which will prevent the safe operation of the vehicle shall be corrected before the vehicle is used.
- (3) The requirements of this Safety Code become law after the effective date; therefore the owner or operator of any vehicle used to transport workers must comply with these requirements the same as he is required to comply with any other motor vehicle law. Violations of this Code should be reported to Transportation Safety or authorized representative.
- (4) Compartments for workers shall be kept in a clean and sanitary condition and workers shall assist in maintaining such conditions.

Stat. Auth.: ORS 184.616 & 820.030

Stats. Implemented: ORS 820.010 - 820.050

Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0060

DIVISION 124

CONSTRUCTION OF VEHICLES

Hist.: MV 75, f. 3-18-77, ef. 6-1-77; Administrative Renumbering 3-1988, Renumbered from 735-081-0017

**735-124-0000**

**Use of Trailer Prohibited**

The use of a trailer for transporting workers except a bus trailer attached to a truck tractor by means of a fifth-wheel mounting is prohibited.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0012

**735-124-0010**

**School Bus Identification Removal**

Whenever a school bus is used in any service other than the actual transportation of children to and from school or authorized activities, the word "school bus" shall be covered or concealed.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0014

**735-124-0020**

**Flashing Warning Lights**

Buses having a seating capacity of 12 passengers or more which are used to pick up and discharge worker passengers on the roadway shall be painted National School Bus Chrome Yellow and shall be equipped with either a red flashing four-light system or an amber and red flashing eight-light system. A bus equipped with the four-light system shall conform to the following specifications:

(1) Bus shall be equipped with two alternately flashing red lights on the front, at the upper left and right corners above the windshield; and two alternately flashing red lights on the back, at the upper left and right corners above the windows. Lights having a minimum of 7" diameter measured across the face of lens are strongly recommended.

(2) Each signal lamp shall be mounted with its axis substantially parallel to the longitudinal axis of the vehicle.

(3) Lamps shall be of a type approved by Transportation Safety and shall flash alternately at a rate of 60 to 120 cycles per minute.

(4) Lamp lenses shall be red in color as specified by current SAE standards.

(5) Lamps shall be controlled by a manually operated switch with a positive "off" and "on" position and mounted in such a position that the switch can be easily reached by the driver while seated in a normal driving position. Wiring of this switch through the ignition switch is not permitted. This shall be the only switch that controls the flashing warning lights. (Door switch or springloaded switch not permitted.)

(6) There shall be a visible means of giving a clear or unmistakable indication to the driver when the lamps are turned on. This visible indication shall be wired into the circuit so that it will flash when the warning lights flash and it shall be within the direct view of the driver when seated in a normal driving position, and shall have an illuminated area of at least 5/8" diameter.

(7) Area around lens of each alternately flashing red warning light and extending outward approximately 3" may be painted black. In installations where there is no flat vertical portion of body immediately surrounding entire lens of lamp, circular or square band of black approximately 3" wide immediately below and to both sides of lens, may be painted on body or background area against which signal lamp is seen.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; MV 75, f. 3-18-77, ef. 6-1-77; Administrative Renumbering 3-1988, Renumbered from 735-081-0016

**735-124-0030**

**Bus Equipped with Eight-Light System**

A bus equipped with the eight-light system shall comply with the standards as adopted by the State Board of Education, March 1975, OAR 581-053-0517(23)(k), Lamps and Signals.

**EXCEPTION:** Worker transportation vehicles with a seating capacity of 12 or more which do not pick up or discharge on a roadway are not required to be equipped with flashing warning lights and are not required to be painted yellow.  
 Stat. Auth.: ORS 184.616, 811.515, 816.260 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030

**735-124-0040**

**Construction of Vehicles**

(1) Class "A" and "B" vehicles shall be constructed or accommodated for transporting passengers, and shall be equipped with adequate seats and back rests firmly secured in place, and with such sides and ends as necessary to prevent persons from falling off the vehicle.

(2) Bus type vehicles having an enclosed seating compartment capacity of 12 or more workers, unless loaded from the rear, shall be provided with an emergency exit not less than 24 inches wide by not less than 48 inches high situated at the left side or rear of the vehicle. Doors shall be provided on bus type vehicles and shall be kept closed during transit and must operate freely at all times. They must be so constructed as to be easily opened from either inside or outside the vehicle.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0018

**735-124-0050**

**Overhead Protection Required**

Class "A" and "B" vehicles shall be provided with bodies and tops of sufficient strength to support the entire weight of the fully loaded vehicle on its top or side if overturned. Adequate means of escape and proper ventilation shall be provided.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0020

**735-124-0060**

**Class "C" Vehicles**

Flatbed trucks, dump trucks, and pickups shall not be used to transport workers, except when the following conditions are complied with:

(1) Truck beds shall be adequately secured to the truck frame.

(2) Vehicles with tilting, sliding, or otherwise movable decks or bodies shall have decks or bodies secured in a manner to prevent accidental movement. Dump truck bodies shall be secured or the hoist lever locked.

(3) Flatbed vehicles, when provided with seats for the workers, shall be equipped with substantial sides not less than 42 inches high, secured to an end gate or the vehicle cab at the front end, and either with a 42-inch-high end gate across the rear, secured to the vehicle sides, or with not less than three chains or ropes securely fastened across the back of the vehicle deck at the following approximate heights: the top rope or chain 42 inches high, the intermediate 28 inches high, and the bottom 14 inches high. Seats shall be firmly secured and no openings larger than six inches vertical shall be permitted in sides or in end gates.

(4) Flatbed vehicles not provided with seats shall be equipped with substantial sides and end gates not less than 24 inches high and workmen shall be required to sit on the floor.

**EXCEPTION:**  
 (1) If sides and end gates are not provided not more than four persons may be permitted to ride behind the truck cab and then only if substantial handholds are provided for their safety and they are required to use the handholds.

(2) Handholds may consist of  
 (a) a 3/4 inch or larger pipe secured to cab or cab guard,  
 (b) the top of the cab guard,  
 (c) slotted holes in cab guard,  
 (d) a wooden 2" x 4" bar secured to cab or cab guard.  
 (3) All handholds shall be of a convenient height. Workers under 16 years of age shall not be permitted to ride in this manner.

(5) Flatbed trucks on which more than four workers are required to stand shall have substantial sides and end gates not less than 48 inches high with no openings larger than six inches vertical. Sides and ends shall be secured as required in section (3) of this rule.

(6) Pickup and dump truck tailgates shall be closed and secured and workers shall sit on the floor unless seats firmly secured in place and substantial sides not less than 42 inches high are provided. A chain or rope shall be secured across the rear of such vehicles equipped with seats.

**EXCEPTION:** When workers are permitted to sit on low boxes or similar equipment, side rails which will increase height of pickup and dump truck bodies to not less than 36 inches shall be added with no openings larger than six inches. When heavy canvas is used as a top and sides and secured to the vehicle sides, the addition of side rails will not be required.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74;  
 Administrative Renumbering 3-1988, Renumbered from 735-081-0022

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74;  
 Administrative Renumbering 3-1988, Renumbered from 735-081-0032

**735-124-0070**

**Number of Passengers — Standees — Passenger Compartment**

All Class “A” and “B” type vehicles equipped with seats of any kind shall be provided with an aisle (or passageway between seats) at least 12 inches in width leading to the emergency exit. Workers shall not sit on the floor in such aisles or passageways while the vehicle is in motion. Not more than one worker per row of seats shall be permitted to stand. No workers shall be permitted to stand or sit in the driver’s compartment ahead of the front row of seats. Under no circumstances shall boards be placed across an aisle to provide additional seating space. Neither shall seats of any type be placed in an aisle. Substantial handholds shall be provided for standees.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74;  
 Administrative Renumbering 3-1988, Renumbered from 735-081-0024

**735-124-0080**

**Maximum Time or Distance Permissible for Standees**

(1) When workers being transported, in any class of vehicle, are required to stand during transit, those persons not provided with seats shall not be permitted to stand for more than one hour, or for a greater distance than 45 miles of vehicle travel, whichever is the lesser. A rest period of not less than 15 minutes shall be required before continuing trip unless those standing are given seats.

(2) Floor and decks shall be suitable for safe footing.

(3) All openings between enclosed passenger compartments and engine or exhaust at which fumes or gases may enter shall be effectively sealed.

(4) Construction of enclosed passenger compartments shall provide a reasonably dust-proof and watertight unit.

(5) Floors and interior of sides and ends and tops of compartments used for transporting workers shall be free of inwardly protruding nails, screws, splinters, or other protruding objects which might cause injury.

(6) Whenever necessary to protect workers from inclement weather conditions, a top and facilities for closing the sides and ends shall be provided. Tarpaulins or other such removable protective devices shall be secured in place during transit.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 - 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0026

**735-124-0090**

**Entrance and Exit**

Steps and handholds, when necessary for safe entrance and exit shall be provided on all vehicles used to transport workers.

**NOTE:** A portable ladder with steps not less than four inches wide and 16 inches long, not more than 12 inches apart, may be used provided ladder is equipped with hooks which will be attached to the truck body in a secure manner while in use. If stirrups are used they shall have the same width and spacing as required for ladders, but rungs may be used in place of steps.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74;  
 Administrative Renumbering 3-1988, Renumbered from 735-081-0028

**735-124-0100**

**Turn Signals**

All Class “A” and “B” vehicles regardless of size shall be equipped with a mechanical or electrical turn signal device approved by Transportation Safety.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74;  
 Administrative Renumbering 3-1988, Renumbered from 735-081-0030

**735-124-0110**

**Mirrors**

All Class “A” and “B” vehicles shall also be equipped with two side view mirrors; one installed on each side in such a manner as to give the driver a clear view to the rear in all lanes of traffic.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030

**735-124-0120**

**Brakes**

(1) Four-wheel hydraulic brakes adequate to control the vehicle at all times when fully loaded and traveling at maximum speeds shall be provided unless the vehicle is equipped with a brake system of a superior type as approved by Transportation Safety.

(2) Auxiliary or emergency brake shall be provided in addition to service brake and shall be an entirely separate, mechanically operated device. It shall be adequate to hold vehicle stationary when fully loaded on any grade upon which vehicle may be operated.

(3) All new buses placed in service on and after the effective date of this Safety Code, the chassis of which is designed for any bus body of 36 or more workers, shall be equipped with full compressed air brakes, vacuum-actuated power or assistor type brakes, or compressed air-over-hydraulic brakes.

(a) Such installation shall be made by authorized representatives of chassis or brake manufacturer and shall conform to recommendation of that manufacturer.

(b) Hydraulic line pressure shall not exceed recommendation of chassis or brake manufacturer.

(c) Reservoir capacity shall be at least 1650 cubic inches for full compressed air systems, and at least 1000 cubic inches for vacuum-actuated systems and for compressed air-over-hydraulic system.

(d) Vehicles having full compressed air systems shall be equipped with:

(A) A safety valve mounted on first reservoir to protect air brake system against excessive air pressure and check valve located between source of supply and reservoir.

(B) Air gauge mounted on instrument panel to register air pressure in air brake system.

(C) Visible or audible low pressure indicator to warn driver if air pressure in air brake system falls below 60 pounds per square inch.

(e) Vehicles having vacuum-actuated or compressed air-over-hydraulic systems shall be equipped with check valve located between source of supply and reservoir.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74;  
 Administrative Renumbering 3-1988, Renumbered from 735-081-0034

**735-124-0130**

**Muffler and Exhaust System**

(1) Every vehicle shall be equipped with a muffler in good working order and in constant operation to prevent excessive or unusual noise and annoying smoke.

(2) Vehicles equipped with vertical exhaust pipes located ahead of passenger compartments or open bodies on which workers are transported shall be equipped with deflectors when necessary to prevent fumes from entering passenger-carrying portion of the vehicle. Exhaust pipes directed to rear of vehicles equipped with partially enclosed passenger compartments shall be equipped with deflectors which will direct exhaust fumes to one side to prevent hazardous fumes from being sucked into the passenger compartment.

(3) On buses and all other types of vehicles which have enclosed passenger compartments, the exhaust pipe, muffler, and tail pipe shall be outside the passenger compartment and attached to the chassis and the tail pipe shall extend at least to the rear bumper but not more than three inches beyond.

(4) The size of the tail pipe shall not be reduced after it leaves the muffler on any vehicle.

(5) Exhaust system shall be properly insulated from the gasoline tank and connections thereof by a metal shield at any point where there is 12 inches or less from the fuel tank or tank connections.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.010 - 820.030  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74;  
 Administrative Renumbering 3-1988, Renumbered from 735-081-0036

**735-124-0140**

**Steering Gear**

(1) Steering gear shall be approved by the chassis manufacturer and designed to assure safe and accurate performance when vehicle is operated with maximum load and at maximum speed.

(2) Steering mechanism shall provide for easy adjustment for lost motion.

(3) No changes shall be made in steering apparatus which are not approved by the chassis or body manufacturer.

(4) There shall be a clearance of at least two inches between the steering wheel and the cowl, instrument panel, or any other surface and at least a distance of 21 inches measured from floor to bottom of steering wheel with a tolerance of one-half inch on all vehicles manufactured and placed in this service after the effective date of this Safety Code.

(5) Steering wheel shall be of a size recommended by the chassis manufacturer for the particular chassis.

Stat. Auth.: ORS 184.616 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0038

**735-124-0150**

**Tires**

(1) Dual rear tires shall be provided on all vehicles having a seating capacity of more than 20 workers.

(2) Tires which are excessively worn, cracked, deteriorated, or damaged in any other way shall not be used. All tires must have a minimum tread depth of 2/32 inches.

Stat. Auth.: ORS 184.616 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0040

**735-124-0160**

**Sun Shield**

All class vehicles shall be equipped with an adjustable sun visor.

Stat. Auth.: ORS 184.616 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0042

**735-124-0170**

**Battery**

Battery shall be mounted outside passenger compartment in an adequate carrier and be readily accessible for servicing and removal.

Stat. Auth.: ORS 184.616 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0044

**735-124-0180**

**Weight Distribution — Buses**

Weight distribution shall be such that not more than 75 percent of gross vehicle weight shall be on rear tires when bus is on level surface.

**EXCEPTION:** Transit and metropolitan buses — Weight distribution shall be such that not more than 70 percent of gross weight shall be on rear tires when bus is on level surface.

Stat. Auth.: ORS 184.616 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0046

**735-124-0190**

**Horn**

Every vehicle shall be equipped with a horn or horns in good working order and capable of emitting sounds audible under normal conditions from a distance of not less than 200 feet.

Stat. Auth.: ORS 184.616, 815.230 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0048

**735-124-0200**

**Glass**

All glass in a worker transportation vehicle must have no holes or cracks so severe as to cause the glass to deflect. Except the windshield, glass to each side of the driver and rear windows must be clear. The replacement of glass shall be with approved safety type.

Stat. Auth.: ORS 184.616, 815.040 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0050

**DIVISION 126**

**SAFETY EQUIPMENT REQUIREMENTS**

**735-126-0000**

**First Aid Kit**

(1) All vehicles used for the transportation of workmen shall carry a first aid kit suitable for the number of passengers customarily transported. First aid kits shall be located where they are readily available to the driver or crew supervisor and shall be inspected and maintained in good order and in required quantities. Contents of kits shall be:

- (a) Eight gauze pads individually wrapped (3" X 3" at least);
- (b) Two large gauze pads which are or can be folded to an approximate size of 8" X 10" or equivalent;
- (c) One box adhesive bandages;
- (d) One package gauze roller bandage at least 2" wide or equivalent;
- (e) Two triangular bandages;
- (f) Wound-cleaning agent, such as sealed, moistened towelettes, or soap and water;
- (g) Scissors; and
- (h) One blanket or equivalent; or
- (i) Minimum first aid supplies, as approved in writing by the firm's consulting physician, may be provided in lieu of those specified above.

(2) The 24-unit first aid kit as required by the State of Oregon under "Minimum Standards for School Buses" shall be acceptable under this Safety Code for school buses used temporarily to transport workers.

Stat. Auth.: ORS 802.010 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; MV 67, f. 3-5-76, ef. 3-15-76; Administrative Renumbering 3-1988, Renumbered from 735-081-0070

**735-126-0010**

**Fire Extinguisher**

(1) Each vehicle used to transport workers shall be equipped with either a two pound dry chemical type, or a four pound carbon dioxide type, or a one quart vaporizing type fire extinguisher. Such extinguishers must be approved by Underwriter Laboratories, Inc., or other acceptable testing agency, or by the inspecting authority.

(2) Toxic vaporizing liquid type fire extinguishers such as those containing carbon tetrachloride or chlorobromethane will not be permitted on motor vehicles transporting workers.

Stat. Auth.: ORS 802.010 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0072

**735-126-0020**

**Securing of Tools, Equipment, Etc.**

(1) Racks, boxes, holsters, or equivalent means shall be provided and arranged so passengers and driver will not be endangered by tools or equipment being transported, loaded, or removed. Tools and equipment are preferably placed or arranged so they are accessible from the outside of the vehicle.

(2) Tools and materials shall be secured in the racks and boxes provided.

Stat. Auth.: ORS 802.010 & 820.030

Stats. Implemented: ORS 820.010 - 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0074

**DIVISION 128**

**DRIVER'S DUTIES**

**735-128-0000**

**Drivers**

(1) Only experienced, competent, qualified, and licensed drivers, not less than 18 years of age shall be permitted to operate vehicles used to transport workers. A chauffeur's license is not required.

(2) No driver of a vehicle used to transport workers shall operate such vehicle for more than 10 hours in the aggregate excluding rest stops and stops for meals in any period of 24 consecutive hours unless



such driver be off duty for eight consecutive hours immediately following the 10 hours aggregate driving and within said period of 24 consecutive hours. The term "24 consecutive hours" as used herein means any such period starting at the time the driver reports for duty. In case of snow, sleet, fog, or other adverse weather conditions a driver may be permitted to drive or operate a motor vehicle for not more than 12 hours in the aggregate in any period of 24 consecutive hours in order to complete the run without being off duty for a period of eight consecutive hours.

(3) In lieu of responsible supervisory personnel the operator of a vehicle shall at all times be in charge of workers and responsible for the observance of safety rules by the workers being transported.

(4) When the driver's compartment is separate from the compartment used to transport workers and children under 18 years of age are riding, an adult or some person not less than 18 years of age shall be designated to supervise the children and shall ride in the same compartment with them.

(5) There shall be some signal system or signaling device provided for the supervisor to communicate with or signal the driver.

(6) Signals adopted shall be simple and understood by both driver and supervisor. If a signaling device is used it shall be maintained in good working order.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.030 & 820.070  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74;  
 Administrative Renumbering 3-1988, Renumbered from 735-081-0080

**735-128-0010**

**Operation of Vehicles**

- (1) Brakes shall be tested immediately at the start of each trip.
- (2) No vehicle shall be loaded beyond its safe carrying capacity.
- (3) No motor vehicle shall be driven if it is so loaded or if the load thereon is so distributed or so inadequately secured as to prevent its safe operation.
- (4) No motor vehicle shall be driven when the passengers or any object obscures the driver's view ahead or to either side or interferes with the free movement of his arms or legs, or prevents his free and ready access to his controls and emergency equipment, or prevents the free and ready exit of any persons from the vehicle.

(5) All vehicles transporting workers shall observe all Motor Vehicle Laws of this state such as the basic speed rule, posted speeds, proper signals for turning and stopping, etc.

(6) The driver of any Class "A," "B," and "C" type vehicle transporting workers before crossing at grade any tracks of a railroad or interurban electric railway shall stop such vehicle not less than 10 nor more than 50 feet from the nearest rail of such track and while so stopped shall look and listen in both directions along such tracks for approaching trains or cars.

- (a) This requirement shall not apply:
  - (A) At the crossing of a street or highway and street tracks;
  - (B) To interurban tracks where traffic control signals are in operation and give indication to approaching vehicular traffic to proceed;
  - (C) To industry track crossing which train operations are required by law to be conducted under flag protection; or
  - (D) To industry track crossings within districts in which the indicated speed of vehicles is 20 miles per hour.

(b) Unless a train is approaching, motor vehicles carrying workers are not required to stop at crossings where the Public Utilities Commissioner has determined and plainly marked that no stop need be made.

- (7) Only authorized persons shall be allowed to ride on vehicles.
- (8) Vehicles transporting workers not using alternately flashing red lights shall be driven completely off the highway or road to discharge or take on workers.
- (9) Vehicles using alternately flashing lights:

(a) When workers must cross the highway to board or after leaving the bus the driver shall actuate the flashing warning lights for a distance of approximately 100 to 300 feet to warn traffic that the bus is stopping. He shall stop the bus in the right-hand traffic lane. The lights shall remain flashing until all workers have safely crossed the highway. After workers have safely crossed the highway, the driver shall make every effort to clear following traffic by pulling over onto the shoulder of the highway, when possible, and proceeding slowly until traffic is cleared.

(b) When workers need not cross the highway to board or after leaving the bus, the driver has two alternatives:

(A) When it is possible, he should stop completely off the main traveled portion of the highway. He will not actuate the flashing warning lights and traffic is not required to stop.

(B) Where shoulders of the highway are too narrow for the bus to pull completely off the main traveled portion of the highway, the driver shall actuate the flashing warning lights for a distance of approximately 100 to 300 feet to warn traffic that the bus is stopping. He shall stop the bus in the right-hand traffic lane. Lights shall remain flashing until workers have safely boarded or left the bus.

**NOTE:** It is recommended that worker bus routes be set up so that workers will be picked up or let off the worker bus on their residence side. The worker bus driver must use his ingenuity and good judgment to keep traffic moving and still protect the workers.

When stopping a bus on the highway, the driver, after ascertaining that the way is clear, shall signal workers across the road in front of the bus. The driver shall not start the bus until workers are seen to be out of danger.

The driver shall report to Transportation Safety the license number of any vehicle which violates the law endangering the lives of any workers. The time, place, violation, and correct license number shall be recorded.

(10) Loose tools and other hazardous objects shall not be permitted on the floor of occupied vehicles.

(11) When materials of any type are transported at the same time workers and driver shall be protected from the hazards of such materials by adequate partitions or proper securing of loads.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.030 & 820.070  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; MV 75, f. 3-18-77, ef. 6-1-77; Administrative Renumbering 3-1988, Renumbered from 735-081-0082

**735-128-0020**

**Hauling of Explosives Prohibited**

No explosives shall be hauled on any vehicle while it is engaged in transporting workers. This rule shall not prohibit the driver and one qualified powder man from riding in a vehicle in which explosives are being hauled.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.030 & 820.070  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0084

**735-128-0030**

**Hauling of Gasoline, Etc.**

(1) Gasoline and other low flash point liquids shall not be hauled on Class "A," "B," and "D" vehicles transporting workers except when in U.L. approved, closed safety containers of not more than five gallon capacity and provided such containers are carried in a safe, suitable-location outside the passenger compartment. Such containers shall be carried as far away from the passenger compartment as possible and where they will not block exit from the vehicle and shall be firmly secured to prevent shifting or placed in well-ventilated compartments or racks.

(2) Gasoline in containers larger than five gallons may be transported in Class "C" vehicles provided all workers ride in the cab of the vehicle or in a separate compartment.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.030 & 820.070  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0086

**735-128-0040**

**Refueling of Vehicles**

- (1) Smoking in the vicinity of vehicles being refueled is prohibited.
- (2) Refueling while motor is running or when within close proximity to any open fires or flame lights is prohibited.
- (3) Refueling of Class "A" and "B" vehicles shall be done when vehicles are not occupied.

Stat. Auth.: ORS 184.616 & 820.030  
 Stats. Implemented: ORS 820.030 & 820.070  
 Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0088

**735-128-0050**

**Heating of Vehicles**

(1) Any heating units provided for the comfort of workers riding in vehicles used in their transportation shall be guarded or covered to

prevent workers from being burned by accidental contact. The use of hot water radiator type heaters is recommended.

(2) If it is necessary to use stoves for heating, such stoves shall be securely attached to the bed of the vehicle and shall be equipped with doors which lock securely. Pipes and other attachments shall be securely fastened to the stove and to the vehicle. Pipes shall be either of continuous length or welded or riveted at the joints.

(3) Heating facilities shall be arranged so that smoke, fumes, or gases will not enter the vehicle.

Stat. Auth.: ORS 184.616 & 820.030

Stats. Implemented: ORS 820.030 & 820.070

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0100

### DIVISION 130

#### WORKER'S DUTIES

##### 735-130-0000

###### Workers' Duties

(1) Workers riding in motor vehicles having adequate seating facilities or in vehicles not equipped with sides and end gates at least 48 inches high shall not stand while the vehicle is in motion, except as permitted in OAR 735-124-0060(4). Passengers must wait for the vehicle to come to a complete stop before boarding or leaving.

(2) Workers shall be prohibited from riding on running board or fenders, hood or cab tops, or with their arms or feet hanging out of or over the rear or side of any vehicle, or on sides of pickups or on tail-gates.

(3) When dismounting from a vehicle on a highway or road, the workers shall wait until the vehicle has proceeded before crossing the road unless the vehicle has stopped at its destination except when alternately flashing red lights are used as described in OAR 735-128-0010(9).

(4) Workers wearing equipment which might injure a fellow workman (spurs, exposed sharp tools, etc.) shall remove such equipment before entering any vehicle in which workers are being transported.

(5) Scuffling or horseplay while riding in any vehicle is prohibited.

(6) Any hazardous condition or defect of a motor vehicle or unsafe practice of driver or workers riding in any vehicle used to transport workers shall be reported to the employer, supervisor, or driver as soon as possible by any worker having knowledge of such conditions.

Stat. Auth.: ORS 802.010 & 820.030

Stats. Implemented: ORS 820.030

Hist.: MV 49(Temp), f. & ef. 7-11-73 thru 11-8-73; MV 57, f. 7-19-74, ef. 8-11-74; Administrative Renumbering 3-1988, Renumbered from 735-081-0090

### DIVISION 150

#### VEHICLE DEALERS

##### 735-150-0000

###### Authority and Purpose

Division 150 rules are adopted under the authority of ORS 822.035. These rules establish procedures and requirements for the administration and enforcement of laws relating to the regulation of Oregon vehicle dealers.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.035

Stats. Implemented: ORS 822.035

Hist.: MV 7-1987, f. & ef. 7-13-87; DMV 20-2004, f. & cert. ef. 8-20-04

##### 735-150-0005

###### Oregon Dealer Advisory Committee

(1) The Oregon Dealer Advisory Committee is established pursuant to ORS 802.370.

(2) The committee's membership will consist of the following individuals:

(a) Two individuals who represent franchise dealers of new vehicles;

(b) Two individuals who represent dealers of used vehicles;

(c) Two individuals who represent Oregon dismantlers;

(d) Two individuals who represent the interests of the general public;

(e) One individual who represents recreational vehicle dealers;

(f) One individual who represents vehicle dealership office management interests;

(g) One individual who represents auto auctions;

(h) One individual who represents Oregon towing businesses.

(i) In addition to the committee membership described under subsections (a) through (h) of this section, membership may also include one realtor who is a certified vehicle dealer and one individual, whose term of appointment and interest of representation will be determined by the DMV Administrator.

(3) DMV must annually designate one member listed in section (2) of this rule as chair of the committee.

(4) Members' terms of appointment will be three (3) years. However, members serve at the pleasure of the DMV Administrator. A member may be replaced upon missing two (2) consecutive meetings without good cause. The initial date of expiration of terms will be staggered in a manner determined by DMV.

(5) DMV will seek the recommendation of a trade or professional association generally recognized to represent a membership category before appointing a committee member, however, DMV is not bound by the association's recommendation.

(6) DMV must consult with the committee before:

(a) Adopting administrative rules under ORS 822.035;

(b) Taking disciplinary action against a dealer under ORS 822.050 to revoke, suspend or place a dealer on probation;

(c) Levying a civil penalty against a dealer under ORS 822.009(1); or

(d) Taking disciplinary action against an Oregon dismantler under OAR 735-152-0050 to revoke, suspend or place a dismantler on probation.

(7) DMV, at its discretion, may consult with the committee or committee member by mail, telephone, or other electronic means, or at a meeting of the committee. However, DMV is not bound by a committee recommendation. DMV must provide members seven (7) days from the date of a mailing to respond to proposed actions, unless DMV determines continued operation of a business jeopardizes public health or safety.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.035

Stats. Implemented: ORS 802.370

Hist.: MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 6-1994, f. & cert. ef. 7-21-94; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

##### 735-150-0010

###### Definitions

As used in this division and ORS Chapter 822:

(1) "Additional (or supplemental) place of business" or "additional (or supplemental) location" means a location, other than one exempted under OAR 735-150-0020, that is more than 500 feet from any other business location of the dealer that is operated under the same name as the main business location.

(2) "Advertise" means to offer a vehicle for sale or to communicate to the public that a person is acting as a vehicle dealer, by any oral, written, or graphic means including, but not limited to, handbills, the Internet, newspapers, signs, television, billboards, radio, and telephone directories.

(3) "Agent" means any dealer possessing a current valid vehicle dealer certificate issued under ORS 822.020, who accepts applications and fees for the titling and the registration of vehicles sold by the dealer and who performs such other duties related to the titling and registration of vehicles as DMV authorizes under the rules set forth in Division 150.

(4) "Broker" has the same meaning as "motor vehicle broker" as defined in ORS 822.047(1).

(5) "Brokerage services" has the same meaning as defined in ORS 822.047(1).

(6) "Business day" means Monday through Saturday and does not include Sundays or State of Oregon and Federal legal holidays.

(7) "Buyer," "purchaser" and "lessee" have the same meaning as "owner" as defined in ORS 801.375.

(8) "Cancellation" has the same meaning as "revocation" as defined in section (24) of this rule.

(9) "Certified dealer" means a dealer who holds a valid dealer certificate issued under ORS Chapter 822.

(10) "Circumstances beyond the dealer's control," as used in ORS 822.045(3)(b) and OAR 735-150-0050(5) means:

(a) That the dealer could not get the title from any state and the prior security interest holder was paid in full by the dealer; and

(b) The delay was a result of the security interest holder failing to release title; or

(c) DMV may consider the follow mitigating circumstances, if those circumstances result in the physical destruction of, or inaccessibility to vehicle records necessary to prove compliance with ORS 822.045(1) and OAR 735-150-0050(5):

(A) The direct result of clearly-established fraud or other criminal activity against the vehicle dealer, as determined in a criminal or civil action in a court of law or independently corroborated by a report of a law enforcement agency or insurer or the sworn testimony or affidavit of an accountant or the person who actually engaged in the criminal activity. This mitigating circumstance does not apply if the dealer is the perpetrator of the wrongdoing described in this paragraph; or

(B) The direct result of fire, flood or other calamitous event, resulting in physical destruction of, or inaccessibility to vehicle records to prove compliance with ORS 822.045(1) and OAR 735-150-0050(5).

(11) "Closure" means a vehicle dealership that no longer has legal authority to conduct dealer-related activity. For example, a dealer's certificate issued under ORS 822.020 is expired, cancelled, suspended or revoked.

(12) "Clearly marked" means the notice and dealer contact information required under ORS 822.040(4)(b) and OAR 735-150-0033 is conspicuously posted on the window of each display vehicle, is in plain view of the public and is legible at a distance of six feet or more.

(13) "Date of sale," or use of similar terms to indicate the day that the sale occurred, means the date that the purchaser takes possession of the vehicle. This does not apply to vehicles purchased by a dealer at wholesale auction. With respect to auto auctions and for purposes of consignor payment under ORS 822.060(1)(d), "date of sale" means, the date upon which the consigning party delivers the necessary title documents to the purchasing dealer.

(14) "Dealer" means a person who engages in any of the activities described in ORS 822.005, except those persons exempted by ORS 822.015.

(15) "Dealership," "place of business" or "business location" means a location within the State of Oregon where activities specified in ORS 822.005 take place.

(16) "Designated dealer" means a certified dealer who has been authorized to act as an agent of DMV under OAR 735-150-0040.

(17) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(18) "DMV Administrator" means the administrator of the Driver and Motor Vehicles Services Division of the Oregon Department of Transportation.

(19) "Employee" means a person over whom a dealer exercises the type of control typically associated with an employer, including but not limited to:

(a) Determining the frequency, method and amount of compensation;

(b) Determining whether the person's work is continuous or intermittent;

(c) Determining the hours or frequency of a person's work; or

(d) Retaining the ability to terminate the relationship.

(20) "Good faith effort" as used in ORS 822.045(3) means action satisfactory to DMV that a vehicle dealer complied with the requirements set forth in OAR 735-150-0050(1) and (2).

(a) DMV will determine that the dealer's efforts are in good faith if written documentation is provided that verifies:

(A) Action(s) was taken by the dealer within ten (10) days of sale to resolve problems with providing transfer of ownership; and

(B) The dealer provided complete and timely information to the customer concerning any problems encountered and actions being taken to resolve them.

(b) DMV will not accept a good faith effort by a dealer if, before the sale of the vehicle, the dealer knows or reasonably should know that title transfer could not be completed within 30 days.

(21) "Location," "main business location" or "main dealership" means a location identified and listed as the dealer's main business location on the most current application for vehicle dealer certificate.

(22) "Normal business hours" means all times during which a dealer engages in any of the activities described in ORS 822.005, except as exempted by ORS 822.015.

(23) "Person" means an individual, corporation, business trust, estate, trust, partnership, limited liability company, association, joint venture, public corporation or any other legal or commercial entity.

(24) "Permanent revocation" means to permanently revoke a vehicle dealer certificate and the right to apply for a vehicle dealer certificate.

(25) "Probation" means a period of time specified by DMV during which a vehicle dealer may continue to operate, but only under the terms or conditions established by DMV.

(26) "Principal" means an owner, partner, corporate officer or other person who controls or manages the business organization or the employees or agents of the business organization.

(27) "Purchaser" has the same meaning as buyer or a lessee.

(28) "Rebuilder" means a person engaged in conducting a "vehicle rebuilding business" as specified in ORS 822.070.

(29) "Revocation" means to void and terminate a vehicle dealer certificate. Unless permanently revoked, DMV will specify the period of time before the person subject to the revocation may apply for a new vehicle dealer certificate.

(30) "Sanction" means an action taken against a vehicle dealer by DMV in cases of non-compliance, fraud, misuse or abuse of privileges granted by a vehicle dealer certificate pursuant to a violation of the Oregon Vehicle Code or any rule adopted by DMV relating to vehicle dealers or the operation of a vehicle dealership.

(31) "Suspension" means a period of time specified by DMV during which a vehicle dealer is prohibited from:

(a) Buying, selling, trading, exchanging any vehicle or providing brokerage services. This includes, but is not limited to, providing information about price, quality, availability, payment terms, or any other information specific to the sale of a vehicle; and

(b) Acting as DMV's agent.

(32) "Violation" means any violation by a person or vehicle dealer of the Oregon Vehicle Code or any rules adopted by DMV in accordance with ORS 822.009(1) & (2).

(33) "Warning" means a documented oral warning to the principal of a dealership or a written correction notice issued to the principal or an employee of the dealership.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.035

Stats. Implemented: ORS 822.005 - 822.080

Hist.: MV 7-1987, f. & cf. 7-13-87; MV 39-1989, f. & cert. ef. 10-3-89; MV 8-1991, f. & cert. ef. 7-19-91; MV 22-1991, f. 9-27-91, cert. ef. 9-29-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 6-1994, f. & cert. ef. 7-21-94; DMV 2-1996, f. & cert. ef. 4-18-96; DMV 17-2002, f. & cert. ef. 9-20-02; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

### 735-150-0015

#### Dealer Applications

(1) An applicant for a vehicle dealer certificate under ORS 822.020 or a renewal under ORS 822.040 must submit the following to the DMV Business Regulation Section:

(a) A completed and signed DMV Application for Vehicle Dealer Certificate form;

(b) A completed and signed DMV Surety Bond form;

(c) A completed and signed DMV Certificate of Insurance form or DMV Certificate of Exemption form;

(d) State-issued picture identification (a copy of driver license or identification card) for each owner, partner, principal corporate officer, etc.;

(e) All applicable fees; and

(f) The following documentation certifying completion of the education and test requirements prescribed by ORS 822.027:

(A) A certificate of education completion issued by an authorized education provider as evidence that the applicant has completed the education requirements under ORS 822.027(1); or

(B) A completed and signed DMV Education Requirements Certification of Exemption form, if an applicant is exempt from the education and test requirements under ORS 822.027(2).

(2) In addition to the requirements of section (1) of this rule, the applicant must submit a completed and signed DMV Supplemental Dealer/Rebuilder Dealer Certificate form for each additional business location other than the dealer's primary business location.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.012, 822.025 & 822.040  
 Stats. Implemented: ORS 802.012, 822.025 & 822.040  
 Hist.: DMV 4-1996, f. & cert. ef. 7-26-96; DMV 20-2004, f. & cert. ef. 8-20-04

**735-150-0017**

**Acting as a Vehicle Dealer**

This rule describes certain circumstances under which an owner or lessor of real property is considered to be acting as a vehicle dealer without a certificate pursuant to ORS 822.005(1). The rule is not intended to limit DMV's authority to require a person to obtain a certificate, or to find a person in violation of ORS 822.005 for acting as a vehicle dealer without a valid certificate in any circumstance that violates the terms of ORS 822.005(1), unless the person has an exemption under ORS 822.015.

(1) An owner or lessor of real property must be licensed as a vehicle dealer pursuant to ORS 822.005(1), if the owner or lessor receives compensation of any type for the display or sale of vehicles on the property, and performs any of the following:

- (a) Advertises or pays for advertising for any individual vehicle(s) displayed for sale either on-site, electronically or in print media;
- (b) Answers any questions related to the terms of sale or consignment for any vehicle displayed for sale;
- (c) Shows to any person any vehicle displayed for sale;
- (d) Provides or pays for individual "for sale" signs for any vehicle displayed for sale;
- (e) Cleans, prepares or otherwise physically maintains any vehicle displayed for sale;
- (f) Provides or offers to provide financing for any vehicle displayed for sale;
- (g) Prepares or provides any forms necessary for the titling or registration of any vehicle displayed for sale; or
- (h) Performs any maintenance, body repair or mechanical services related to any vehicle part or component on any vehicle displayed for sale.

(2) This rule does not apply to a person who rents or leases property to a vehicle dealer who possesses a current vehicle dealer certificate, to the extent that the real property or any portion thereof is actually used by the dealer.

Stat. Auth.: ORS 184.616, 184.619, 822.009 & 822.035  
 Stats. Implemented: ORS 822.005, 822.009, 822.015 & 822.035  
 Hist.: DMV 17-2002, f. & cert. ef. 9-20-02

**735-150-0020**

**Exemptions From Vehicle Dealer Certification Requirement**

(1) A person who rents or leases space to a vehicle dealer who holds a current valid certificate is not a dealer as defined in OAR 735-150-0010(11).

(2) The following apply where there is a formal display of vehicles, such as an auto show, by a group of dealers for a period of ten (10) days or less:

- (a) Except as otherwise provided in this section and ORS 822.015(9), a dealer participating in a display must either be a certified vehicle dealer or a manufacturer of vehicles not engaged in sales to the public;
- (b) A person who only rents or leases space to a participating dealer does not need a vehicle dealer certificate;
- (c) A certified vehicle dealer does not need a supplemental certificate; and
- (d) This section does not apply to RV shows held in accordance with OAR 735-150-0045.

(3) The exemption in ORS 822.015(2) will be narrowly construed to exempt from dealer regulatory requirements only those persons who engage in buying, selling or exchanging vehicles as a mere incident to their personal ownership and use of those vehicles. This includes a business or corporate entity that holds such vehicles primarily for its own transportation needs, but not primarily for sale or exchange. No person may apply for certificates of title for the purpose of avoiding dealer regulatory requirements while dealing in vehicles.

- (4) A person is not a rebuilder if that person:
  - (a) Is an employee of a certified vehicle dealer; or

(b) Is engaged solely in the repair of damaged vehicles at the request of the registered owner(s) of the vehicle(s).

(5) An employee of a dealer as defined in OAR 735-150-0010(16) is not required to have a separate dealer certificate in order to buy or sell vehicles on behalf of his or her employer.

(6) A certified vehicle dealer does not need a supplemental certificate for the location of an auction conducted by the dealer. This exemption applies when all the following conditions exist:

- (a) Vehicles sold at the auction are consigned to the dealer;
- (b) Vehicles are sold on the basis of the highest bid or most favorable offer;
- (c) The auction does not exceed three (3) consecutive days; and
- (d) The dealer does not own the property where the auction is conducted. If the dealer rents or leases the property where the auction is conducted, the rent/lease period must not exceed three (3) consecutive days.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.015 & 822.035  
 Stats. Implemented: ORS 822.015  
 Hist.: MV 7-1987, f. & ef. 7-13-87; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 6-1994, f. & cert. ef. 7-21-94; DMV 2-1996, f. & cert. ef. 4-18-96; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05

**735-150-0024**

**Investigation of Certificate Applications**

(1) DMV will investigate applications for original or renewal vehicle dealer certificates on a random basis to determine whether the information contained in the application is accurate and complete and may do so whenever DMV has reason to believe the application is not accurate or complete.

(2) DMV will investigate all applications for original or renewal vehicle dealer certificates to determine if any of the principals of the applicant dealer are or have been financially or operationally involved with any other dealer whose certificate or right to apply for a certificate is currently or has been on probation, suspended, canceled or revoked.

(3) Pursuant ORS 822.035(1), (8), and (9), DMV will investigate an applicant who indicates on the vehicle dealer certificate application that his or her vehicle dealer certificate has been revoked or is currently suspended in another jurisdiction.

(4) DMV may inspect the location from which the applicant proposes to transact business in order to ensure compliance with the requirements of OAR 735-150-0030 and with any restrictions imposed by any local governing body.

(5) DMV may, at any time during or after the application process, investigate to certify compliance with the requirements of ORS 822.025.

(6) DMV may investigate any other matters related to an application as it deems necessary within the limits of its authority.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.035 & 822.050  
 Stats. Implemented: ORS 822.035  
 Hist.: MV 8-1991, f. & cert. ef. 7-19-91; DMV 20-2004, f. & cert. ef. 8-20-04

**735-150-0027**

**Refusal to Issue or Renew Vehicle Dealer Certificate**

(1) DMV will not issue an original or renewal vehicle dealer certificate to any applicant when it determines the application is incomplete or information contained in the application is false.

(2) DMV will not issue an original or renewal vehicle dealer certificate to any applicant when it determines a principal of the applicant dealer is financially or operationally involved with any dealership whose certificate or right to apply for a certificate is currently suspended, canceled or revoked. Additionally, DMV will not issue an original or renewal vehicle dealer certificate to any applicant when it determines a principal of the applicant dealer was within one (1) year of the date of the application financially or operationally involved with any dealership whose certificate or right to apply for a certificate is currently suspended, canceled or revoked.

(3) DMV will issue an original or renewal vehicle dealer certificate on a probationary basis when it determines a principal of the applicant dealer is financially or operationally involved with any other dealer whose certificate or right to apply for a certificate is currently on probation. The probationary status of the new certificate will expire and attain regular status on the same date the probation period ends for the other dealership.

(4) As provided in ORS 822.035(8) and (9), DMV will not issue a vehicle dealer certificate under ORS 822.020 to an applicant who has been issued a similar certificate from another jurisdiction that has been

revoked or is currently suspended unless the applicant possesses a current, valid vehicle dealer certificate issued under ORS 822.020. Nothing in this section precludes a vehicle dealer who holds a current, valid vehicle dealer certificate issued under ORS 822.020 from obtaining a vehicle dealer certificate under ORS 822.020 or a supplemental certificate under ORS 822.040 or to renew a certificate under ORS 822.040.

(5) DMV will not issue an original or renewal vehicle dealer certificate until such time as it is satisfied the applicant meets all requirements for issuance of a certificate found in ORS Chapter 822 and OAR chapter 735, division 150.

(6) DMV will not issue an original vehicle dealer certificate to an applicant whose business name is identical to or indistinguishable from an existing dealer name. DMV may consider geographic location and other factors at its discretion when determining the ability to distinguish between two similarly named dealerships.

(7) When DMV refuses to issue a vehicle dealer certificate, DMV will retain the fees submitted with the application to cover the cost of processing the application.

(8) An applicant who has been refused issuance of a vehicle dealer certificate is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(9) The refused applicant's request for a hearing must be submitted in writing to and received by DMV within 60 days of the date of the refusal. A hearing request received in a timely manner will not result in issuance of a certificate, pending the outcome of the hearing. In the case of a refusal to renew, the dealer may continue to operate under the old certificate in accordance with ORS 183.430(1), pending the outcome of the hearing, except when the agency finds that such continued operation would constitute a serious danger to the public health or safety and extends the hearing request period to 90 days in accordance with ORS 183.430(2).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.035 & 822.050

Stats. Implemented: ORS 822.050

Hist.: MV 8-1991, f. & cert. ef. 7-19-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 6-1994, f. & cert. ef. 7-21-94; DMV 20-2004, f. & cert. ef. 8-20-04

### 735-150-0030

#### Dealer Location Regulations

(1) Except as permitted under section (2) of this rule, each business location established by a dealer must:

(a) Have sufficient space to display one or more vehicles of the type the dealer has been issued a certificate to sell;

(b) Provide a means for the public to contact the dealer or an employee of the dealer at all times during the dealer's normal business hours;

(c) Display an exterior sign, permanently affixed to the land or a building, that identifies the dealership by the name printed on the vehicle dealer certificate, with letters clearly visible to the major avenue of traffic; and

(d) Display, in a publicly accessible and conspicuous manner, the vehicle dealer certificate.

(2) Where zoning or local ordinance prevent compliance, DMV may exempt a dealer from the requirements of subsections (1)(a), (b), or (c) of this rule if the dealer:

(a) Submits a written request for the exemption(s) to DMV documenting why an exemption should be granted;

(b) Agrees to an on-site inspection if required by DMV to determine the validity of the request and to seek reasonable alternatives to the exemption(s) requested; and

(c) Complies with any alternative proposed by DMV that substantially meets the requirements for the exemption requested.

(3) All locations from which a rebuilder conducts a "vehicle rebuilding business" as described in ORS 822.070 must be listed on an application for a vehicle dealer certificate as either the main business location or a supplemental business location. Each location must comply with the requirements of section (1) of this rule unless an exemption under section (2) of this rule is granted.

(4) The following apply to dealer locations, unless exempt under OAR 735-150-0020:

(a) A dealer must have a certificate or supplemental certificate for each location where the dealer sells or displays vehicles for sale. A dealer who uses a supplemental place of business, must have a sup-

plemental certificate from DMV before business can be conducted at the supplemental location; and

(b) A dealer who moves a place of business or changes the business name must submit a completed and signed DMV Application to Correct Dealer/Rebuilder Vehicle Dealer Certificate and obtain a corrected dealer certificate before business can be conducted.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.025, 822.035 & 822.040

Stats. Implemented: ORS 822.020, 822.035 & 822.040

Hist.: MV 7-1987, f. & cert. ef. 7-13-87; Administrative Renumbering 3-1988, Renumbered from 735-071-0057; DMV 2-1996, f. & cert. ef. 4-18-96; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05

### 735-150-0033

#### Display of Vehicles for Advertising

In addition to the requirements of ORS 822.040(4), to display a vehicle for advertising at a location other than a dealership, a dealer must meet the following requirements:

(1) Have a signed agreement with the owner of the property before a vehicle is displayed that includes all of the following:

(a) The beginning and ending date of the display, not to exceed 30 calendar days;

(b) The name, address and phone number of the dealer or dealership and the certificate number of the dealer's main business location;

(c) The name of the dealer or dealer's representative who signs the agreement;

(d) A description of each vehicle to be displayed, including vehicle identification number, make, model and year;

(e) A signed and dated certification, stating that both the dealer and the property owner will abide by all applicable laws, rules and ordinances;

(f) The name, address and phone number of the business or property owner where a vehicle will be displayed. If a business, the business name must be the name registered with the Oregon Secretary of State; and

(g) The name of the signatory authorized to enter into agreements on behalf of the business or property owner.

(2) No more than five vehicles may be displayed on the property at the same time for advertising purposes. This total includes vehicles from any vehicle dealership.

(3) In addition to records required under OAR 735-150-0035, the dealer must maintain records that include copies of the agreement and notice required under ORS 822.040(4) and this rule. Records must be maintained at the business or property where vehicles are displayed for the duration of the agreement. Upon expiration of the agreement, records must be maintained for a period of two (2) years on the premises of the dealer's main business location.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.009, 822.035 & 822.045

Stats. Implemented: ORS 822.009, 822.030, 822.035 & 822.045

Hist.: DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06

### 735-150-0035

#### Dealer Records

(1) The original records required to be maintained by dealers pursuant to all applicable provisions of ORS Chapter 822 and OAR chapter 735, division 150 or documenting compliance with any of these provisions, must be maintained for a period of two (2) years on the premises of the main business location. Where a dealer has an additional (or supplemental) location pursuant to a valid supplemental certificate, all original records required to be maintained for that particular location must be maintained for two (2) years either at the main business location or at the additional (or supplemental) location, at the option of the dealer. For good cause shown or upon a showing of a business necessity, DMV, in its sole discretion, may authorize a dealer to maintain its dealer records at a location within the State of Oregon other than that required by this section.

(2) In addition to the requirements described in section (1) of this rule, dealer records must be maintained for an additional three-year period in any location within the State of Oregon that is convenient for the dealer. During this three-year period the dealer may, at the dealer's option, maintain the original dealer records or an exact copy of the original records in hard copy, on film, or electronically. If first approved by DMV, an exact copy of the dealer's original records may be stored in some other manner during this three-year period.

(3) Dealer records subject to this rule must be maintained in a manner allowing for timely and efficient retrieval of any record requested by DMV or a police officer for inspection. DMV or a police officer may require that any record printed or completed in a language other than English be accompanied by a copy translated into English.

(4) DMV may inspect dealer records including books, contracts, documents, letters and records of any type, including electronic and paper records, of any certified vehicle dealer when DMV is investigating a potential violation of Oregon Vehicle Code.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.035 & 822.042

Stats. Implemented: ORS 822.035, 822.042 & 822.045

Hist.: DMV 10-2001, f. & cert. ef. 6-14-01; DMV 20-2004, f. & cert. ef. 8-20-04

### 735-150-0037

#### Records; Satisfying Prior Interest; Providing Clear Title

ORS 822.045(1)(k) requires a dealer to whom any interest in a vehicle or camper is transferred to satisfy all prior interests, except inventory financing security interests for which the dealer is the debtor, in the vehicle or camper within specific time periods. To verify compliance with ORS 822.045(1)(k), dealers must maintain the following records in compliance with OAR 735-150-0035:

(1) Records sufficient to identify the date of the transfer of any interest(s) in a vehicle from a vehicle consumer to the dealer.

(2) For a dealer selling a vehicle to another dealer, records that clearly indicate the date that the selling dealer:

(a) Received clear title to the vehicle and from whom it was received; and

(b) Advised the buying dealer that clear title was available for pickup by, or was delivered to, the buying dealer.

(3) For a dealer buying a vehicle from another dealer, records that clearly indicate the date that the:

(a) Selling dealer advised the buying dealer that clear title was available for pickup; and

(b) Buying dealer actually obtained clear title from the selling dealer.

(4) Records that clearly indicate compliance with the provisions of ORS 822.045(1)(k), (A) and (B), requiring the satisfaction, within 15 days of the transfer to the dealer of any interest in a vehicle or camper, or, for dealer to dealer transactions only, within 15 days of the receipt by the buying dealer of clear title from the selling dealer, of the following prior interests:

(a) The interest of any person from whom the dealer purchased or obtained the vehicle or camper;

(b) The interest of any person from whom a vehicle consumer leased the vehicle or camper; and

(c) Except as otherwise described in this rule, all security interests in the vehicle or camper entered into before the date of transfer of the vehicle.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.035, 822.042 & 822.045

Stat. Implemented: ORS 822.009, 822.035, 822.042, 822.045 & 822.045

Hist.: DMV 20-2002, f. & cert. ef. 10-14-02; DMV 20-2004, f. & cert. ef. 8-20-04

### 735-150-0039

#### Qualifications for Designation of Dealer as Agent

A dealer who possesses a valid Oregon vehicle dealer certificate issued pursuant to ORS 822.020 or renewed pursuant to ORS 822.040 must meet the qualifications in section (1) through (3) of this rule in order to be appointed and to continue to act as DMV's agent and to perform the duties permitted by OAR 735-150-0040(4):

(1) A dealer, including any principal if a corporation, partner if a partnership, or member if an LLC, must not:

(a) Be currently suspended as a vehicle dealer in Oregon;

(b) Have been convicted of any felony, including a conviction based on a plea of nolo contendere, in any jurisdiction within the prior 10 years;

(c) Have been convicted of any misdemeanor, including a conviction based on a plea of nolo contendere, in connection with selling or otherwise dealing in motor vehicles, or for fraud, identity theft, misrepresentation, forgery or conversion, in any jurisdiction within the prior 10 years;

(d) Have been found to have committed a violation of Oregon Vehicle Code, state or federal law, rule, or regulation related to fraud, misrepresentation, forgery or conversion within the prior 10 years; or

(e) Have been found liable in a civil action in which a judgment is issued for committing any act of fraud, conversion or misrepresentation within the prior 10 years.

(2) A dealer must remain in continued compliance with the provisions of ORS 822.025(3) and (5).

(3) A dealer, including any principal if a corporation, partner if a partnership, or member if an LLC, must not issue DMV a dishonored check or other form of non-negotiable payment.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.031, 822.035 & 822.042

Stats. Implemented: ORS 822.020, 822.025, 822.035, 822.040, 822.042 & 822.045

Hist.: DMV 20-2004, f. & cert. ef. 8-20-04

### 735-150-0040

#### Designation of Dealers as Agents

(1) Persons issued a dealer certificate under ORS 822.020 and who meet the qualifications set forth in OAR 735-150-0039, are designated as DMV's agent pursuant to ORS 802.031 and may perform the duties of an agent as identified in section (4) of this rule.

(2) Snowmobile dealers and Class I and Class III all-terrain vehicle dealers are designated as agents of DMV pursuant to ORS 802.031.

(3) DMV may impose sanctions against a dealer's agent status as provided in OAR 735-150-0120.

(4) DMV's agent may:

(a) Prepare, submit, or prepare and submit documents and collect fees necessary to title and register vehicles they sell, as provided in OAR 735-150-0050;

(b) Perform vehicle identification number inspections on vehicles they sell, as provided in OAR 735-022-0070 when the vehicle has been registered or titled in another jurisdiction subject to the limitations of OAR 735-022-0070;

(c) Issue temporary registration permits for unregistered vehicles they sell, as provided in ORS 803.625 and OAR 735-150-0060;

(d) Issue trip permits for unregistered vehicles they sell, as provided for in OAR 735-150-0070 and 735-150-0080;

(e) Issue 10-day trip permits for registered vehicles they sell, as provided in ORS 803.600, OAR 735-150-0070, 735-150-0080 and 735-034-0010. When issuing a 10-day trip permit as described in this subsection, a vehicle dealer:

(A) Must insure the Oregon registration stickers have been removed in accordance with ORS 803.600;

(B) May not issue more than two permits for the same motor vehicle; and

(C) Must require the person applying for the permit to provide the insurance company name and policy number on the permit, and sign the certificate on the permit stating that the motor vehicle is covered by an insurance policy that meets the requirements of ORS 806.080 and will continue to be covered as long as the permit is valid; and

(f) Prepare, submit, or prepare and submit documents and collect fees for transfers of registration plates except as provided in section (9) of this rule.

(5) A dealer who, on behalf of a purchaser, prepared, submitted, or prepared and submitted documents and collected fees necessary to title and register a vehicle and who then receives from DMV the registration plates, stickers or temporary registration for the vehicle, must ensure delivery of the items obtained to the purchaser. Within five working days of receipt from DMV the dealer must:

(a) Deliver the items to the purchaser;

(b) Mail the items to the purchaser; or

(c) Advise the purchaser the items are at the dealership and, if the purchaser agrees, arrange to have the items picked up at the dealership.

(6) The dealer must document in the dealer's records the actions taken by the dealer to notify the purchaser or to deliver the registration plates, stickers and temporary registration.

(7) No dealer may, as a result of a dispute between the purchaser and dealer or for any other reason, withhold registration plates or stickers or temporary registration from the purchaser.

(8) Designated agents must only charge title, registration or plate transfer fees in the amount authorized by Oregon Revised Statutes and Oregon Administrative Rule when collecting such fees on behalf of DMV.

(9) A dealer may not prepare, submit, or prepare and submit an application and collect fees for the transfer of plates under subsection

(4)(f) of this rule if the dealer determines that the plates that the purchaser wants to transfer are not from a current issue of plates, are not customized plates described under ORS 805.240 or are so old, damaged, mutilated or otherwise rendered illegible as to be not useful for purposes of identification.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.031, 803.530, 803.600, 803.625, 821.060 & 821.080  
 Stats. Implemented: ORS 802.031, 803.565, 803.600, 803.602, 803.645, 821.060, 821.080, 822.005 & 822.080  
 Hist.: MV 2-1983, f. 3-10-83, ef. 5-1-83; MV 4-1983, f. 10-5-83, ef. 10-15-83; MV 1-1984, f. & ef. 1-10-84; MV 2-1985, f. & ef. 1-30-85; MV 20-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0007; MV 39-1989, f. & cert. ef. 10-3-89; MV 8-1991, f. & cert. ef. 7-19-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 5-1998(Temp), f. & cert. ef. 4-30-98 thru 10-26-98; DMV 13-1998, f. & cert. ef. 10-15-98; DMV 7-2000, f. & cert. ef. 8-10-00; DMV 28-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 9-2004, f. & cert. ef. 5-24-04; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06

**735-150-0045**

**Special Rules Concerning Recreational Vehicle Dealers**

(1) The purpose of this rule is to:

(a) Establish a process for issuing recreational vehicle (RV) show licenses and establish a fee for RV show licenses; and

(b) Clarify ORS 822.025(9) concerning maintenance of a service facility by RV dealers.

(2) Nothing in this rule is intended to limit or conflict with any other rule or law governing RV dealers.

(3) **Definitions.** As used in this rule and ORS 822.082 through 822.084:

(a) "Primary purpose" means that at least 51% of the RV service facility's income-producing activity is derived from the service and repair of recreational vehicles, as shown by gross service receipts;

(b) "Prominently display" means clearly and conspicuously posted in plain view in the area most frequently visited by the public and legible at a distance of six feet or more. For example, the main entrance of an RV show or the main lobby of an RV dealer;

(c) "Recreational vehicle service facility" means a permanent facility listed on the vehicle dealer's certificate and having the primary purpose of servicing and repairing RVs;

(d) "RV" means a recreational vehicle, as defined in ORS 446.003(37); and

(e) "Show license" means a license issued by DMV pursuant to ORS 822.084.

(4) **Application for show license.** The show organizer must submit an application for a show license to DMV, Business Regulation Section, no sooner than 60 days before the first day of the proposed show, and not later than 30 days before the first day of the proposed show. The show license application must be on a form provided by DMV and must include the following:

(a) The name, address and telephone number of the show organizer;

(b) The total number of days of the show, the date(s), location and times of the show;

(c) The date of the application for the show license;

(d) For each dealer displaying at the show the following information as listed in the dealer's main location application:

(A) The name under which the business is conducted;

(B) The street address, city and county of the dealer;

(C) The dealer number; and

(D) The expiration date of the dealer certification.

(e) That the show will include two or more recreational vehicle dealers, one of whose place of business as listed in the dealer's main location application is located more than 50 miles from the site of the show and the number of dealers participating in the RV show;

(f) Whether or not the public will be charged an admission fee;

(g) A show license application may be amended to add or delete show participants, or to correct information if submitted to DMV Business Regulation Section no later than 30 days before the date of a prospective show. In the event a participant printed on a show license is unable to attend or withdraws from the show after the 30th day, the organizer must mark a line on the approved show license using black ink through the name of that participant.

(5) **Issuance and Display of License.** DMV will issue a show license to the organizer, authorizing the listed dealers to participate in the RV show if the application is complete and all requirements are met. The show license must be conspicuously posted at the main

entrance to the RV show for each day of the show and must be available for inspection by DMV.

(6) **Fees.** An application fee in the amount of \$32 must be submitted with the completed application. DMV will retain an application-processing fee of \$12 to cover its administrative costs if the application is denied.

(7) **Service Facility.** Vehicle dealers that sell new RVs must maintain, within Oregon, a recreational vehicle service facility that has the primary purpose of servicing and repairing recreational vehicles. The location of the recreational vehicle service facility must be prominently displayed at the RV dealer's sales site. In order to meet the requirement that the vehicle dealer "maintain" a recreational vehicle service facility, the dealer must own or lease the service facility and directly conduct the servicing and repair operation, without subcontracting.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.035, 822.040 & 822.084  
 Stats. Implemented: ORS 184.616, 184.619, 802.010, 822.035, 822.040 & 822.084  
 Hist.: DMV 26-2001 f. 12-14-01, cert. ef. 1-1-02; DMV 20-2004, f. & cert. ef. 8-20-04

**735-150-0050**

**Preparation and Submission of DMV Documents and Fees**

(1) A dealer who elects to submit DMV documents and fees necessary to title or register a vehicle, must submit them to DMV within 30 calendar days of the transfer of interest in the vehicle. This includes all fees and documents required to obtain title and, if applicable, registration on behalf of the purchaser.

(2) If a dealer does not elect to submit the DMV documents and fees necessary to title or register a vehicle, but instead allows the purchaser to submit the documents and fees, the dealer must within 25 calendar days of the date of transfer furnish to the new owner the title or other acceptable ownership documents. This includes all the documents needed to apply for title to the vehicle.

(3) Snowmobile dealers who sell snowmobiles that are subject to title and registration requirements must collect fees and submit to DMV title and registration applications on behalf of the purchaser. Class I ATV dealers who sell ATVs that are subject to title and registration requirements must collect fees and submit title and registration applications to DMV on behalf of the purchaser. If a snowmobile or Class I ATV being sold by a dealer is exempt from Oregon title and registration, section (2) of this rule applies.

(4) A dealer who does not comply with sections (1) or (2) of this rule must provide written notice of delay to all owners and parties of interest within 25 business days of the date of transfer of title or interest. The notice of delay must contain:

(a) The reason for the delay;

(b) The anticipated extent of the delay; and

(c) A statement of the rights and remedies available to the purchaser if the delay becomes unreasonably extended. DMV will consider "unreasonably extended" to mean 45 calendar days from the date of sale. The statement must inform the purchaser of his or her right to file complaint against the dealer with DMV if the delay goes beyond 45 days from date of purchase.

(5) A dealer must maintain records that show compliance with the requirements of this rule. If a dealer does not comply with the requirements of sections (1) or (2) of this rule, the dealer's records must contain sufficient documentation to establish that the dealer made a good faith effort to comply and that the dealer's inability to comply is due to circumstances beyond the dealer's control.

(6) A dealer must refund any collected fee that exceeds the appropriate fee within five (5) calendar days of discovery.

Stat. Auth.: ORS 184.616, 802.031, 821.060, 802.010, 821.080, 822.035 & 822.042  
 Stats. Implemented: ORS 821.060, 821.080, 822.035 & 822.042  
 Hist.: MV 2-1983, f. 3-10-83, ef. 5-1-83; MV 4-1983, f. 10-5-83, ef. 10-15-83; MV 1-1984, f. & ef. 1-10-84; MV 20-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0008; MV 39-1989, f. & cert. ef. 10-3-89; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 1-1997, f. & cert. ef. 1-17-97; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06

**735-150-0055**

**Dealer Title and Registration Document Preparation Service Fee; Inspection**

(1) In accordance with ORS 802.043 and this rule, a vehicle dealer who elects to prepare DMV documents necessary to issue or transfer vehicle title and registration on behalf of a buyer or lessee, may charge the buyer or lessee a service fee not to exceed:

- (a) \$75, if the vehicle dealer uses an integrator; or
- (b) \$50, if the vehicle dealer does not use an integrator.

(2) DMV may inspect dealer records for compliance with the fee limitations described in section (1) of this rule. DMV may refer information related to non-compliance with the requirements of ORS 802.043 and this rule to the Department of Justice, or any other enforcement agency

(3) Dealers must implement procedures to ensure that the fees described by this rule do not exceed \$50 and \$75, respectively, as set forth in section (1) of this rule. Fee amounts that exceed the authorized limit must be promptly refunded to the consumer.

Stat. Auth.: ORS 184.616, 814.619, 802.010, 822.009, 822.035 & 822.045  
 Stats. Implemented: ORS 822.009, 822.030, 822.035 & 822.045  
 Hist.: DMV 22-2001(Temp), f. & cert. ef. 10-17-01 thru 4-14-02; DMV 26-2001 f. 12-14-01, cert. ef. 1-1-02; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06

**735-150-0060**

**Issuance of Temporary Registration Permits**

(1) A designated dealer who collects and submits title and registration fees to DMV on behalf of a purchaser may issue temporary registration permits as provided for in ORS 803.625 for vehicles or campers that the dealer sells, pending receipt of permanent registration plates from DMV. A temporary registration permit may not be issued unless both title fees and registration fees have been collected and a combined title and registration application is to be submitted to DMV by the dealer on behalf of the owner.

(2) A temporary registration permit may not be issued by a designated dealer until a Department of Environmental Quality (DEQ) Certificate of Compliance, if needed, has been obtained. A trip permit may be issued as provided in OAR 735-150-0070(1)(b) and (6)(b) if the vehicle must be taken to a DEQ inspection station.

(3) Temporary registration permits must be obtained in bulk from the Salem DMV Headquarters, 1905 Lana Avenue NE, Salem, OR 97314. There is no charge for temporary registration permits. A designated dealer may not charge a fee for the issuance of a temporary registration permit.

(4) Temporary registration permits are valid for a period not to exceed 90 consecutive days from the date they are issued or until plates and, if applicable, stickers are received from DMV and placed on the vehicle, whichever occurs first. A dealer may not extend the expiration date of a temporary registration permit or issue a subsequent permit to extend the registration period of the initial permit.

(5) A designated dealer must comply with the following requirements when issuing temporary registration permits:

(a) Legibly complete each temporary registration permit with the following information:

(A) The name and address of the person(s) or business registering as the owner(s) of the vehicle. The name and address must only be recorded on the issuer's copy and DMV's copy of the permit and must not be recorded on the purchaser's (windshield) copy of the permit;

(B) The driver license number and the state of issuance for the person(s) registering as the owner(s) of the vehicle, unless the person does not have a driver license or the permit is issued to a business. The driver license number must only be recorded on the issuer's copy and DMV's copy of the permit and must not be recorded on the purchaser's (windshield) copy of the permit;

(C) The vehicle description, including year, make, body style and identification number;

(D) A written signature of the employee who issued the permit. Initials are not acceptable;

(E) The effective date and expiration date of the permit. The permit must only be issued for a period not to exceed 90 consecutive days, including the effective date of the permit;

(F) Dealer certificate number; and

(G) The title fee and registration fee collected on behalf of DMV.

(b) DMV's copy of the temporary registration permit attached to, and submitted with, the application for title and registration.

(c) At the time of issuance, notify an owner who pays a plate transfer fee under section (1) of this rule to not attach the registration plates from their old vehicle to the vehicle or camper sold by the dealer before receiving an updated registration card from DMV.

(6) To be valid, the owner's (window) copy of a temporary registration permit must be affixed to the vehicle for which the permit is issued as specified by DMV on the permit.

(7) The DMV (issuer's) copy of the temporary registration permit must remain attached in the permit book. Once all permits have been issued from a book, the book and issuer's copies must be returned to DMV.

(8) Alteration of a temporary registration permit will automatically void the permit.

(9) When a temporary registration permit is voided for any reason, the owner's (window) copy and DMV's (issuer's) copy of the permit, together with a written explanation about why the permit was voided, must be left in the book and must be returned to DMV as described in section (7) of this rule. If either copy of the permit is unavailable for submission to DMV, a written explanation as to why the copy is unavailable must be included with the book.

(10) Except as permitted in section (11) of this rule, temporary registration permits (or books of permits) may not be loaned to another dealer or person or issued for vehicles sold by another dealer or individual.

(11) A dealer who delivers a vehicle to a purchaser and submits applications and fees for title and registration in the purchaser's name on behalf of another dealer who sold the vehicle to the purchaser, may issue a temporary registration permit for the vehicle as provided by this rule. The application and supporting documents must accurately reflect the name and address of the dealer who sold the vehicle. The temporary registration permit must show the name and dealer number of the issuing dealer and the words "Delivery Only" must be clearly written on the DMV and issuer's copies of the permit.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.031, 803.625, 803.640 & 822.035  
 Stats. Implemented: ORS 803.625  
 Hist.: MV 2-1983, f. 3-10-83, ef. 5-1-83; MV 4-1983, f. 10-5-83, ef. 10-15-83; MV 1-1984, f. & ef. 1-10-84; MV 20-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0011; MV 6-1989, f. & cert. ef. 1-27-89; DMV 9-1995, f. & cert. ef. 8-18-95; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 3-2000(Temp), f. & cert. ef. 4-24-00 thru 10-20-00; DMV 7-2000, f. & cert. ef. 8-10-00; DMV 23-2002, f. & cert. ef. 11-18-02; DMV 20-2004, f. & cert. ef. 8-20-04

**735-150-0070**

**When Trip Permits May Be Issued by Dealers**

(1) Pursuant to ORS 803.600, OAR 735-034-0010 through 735-034-0040 and this rule, a designated dealer may issue light vehicle and recreational vehicle trip permits for the vehicles they sell providing:

(a) The vehicle purchaser or lessee is not subject to Oregon registration requirements and must operate the vehicle over Oregon highways to leave the state.

(b) The vehicle is to be driven directly to a Department of Environmental Quality (DEQ) inspection station in order to receive a certificate of compliance with pollution control equipment before applying for registration;

(c) The vehicle is to be driven directly to a DMV office or a law enforcement agency for a vehicle identification number inspection (VIN); or

(d) The dealer is not submitting the application for transfer of title and registration on behalf of the purchaser or lessee and the purchaser or lessee must operate the vehicle until they can get to a DMV office.

(e) This subsection does not apply to 10-day trip permits.

(2) In addition to the trip permits described in section (1) of this rule, a vehicle dealer may issue 10-day trip permits for vehicles they sell providing:

(a) Before issuance, the dealer ensures the Oregon registration stickers have been removed in accordance with ORS 803.565;

(b) The dealer complies with all applicable provisions of ORS 803.600 and OAR 735-034-0010 through 735-034-0040;

(c) The dealer is not submitting the application for transfer of title and registration on behalf of the purchaser or lessee and the purchaser or lessee must operate the vehicle until they can get to a DMV office;

(d) The 10-day permits are issued specifically for the purpose of registering the vehicle. For purposes of ORS 803.600 and this section, "registering the vehicle" means authorization to operate a vehicle to obtain:

(A) Title, registration or new registration stickers from DMV; or

(B) A (VIN) inspection or DEQ inspection before DMV may issue title, registration or new registration stickers as described under this subsection.

(3) Trip permits must be purchased in bulk in advance from DMV's Salem headquarters office.



(4) A designated dealer may charge and retain a fee for a trip permit issued by the dealer but may not charge more than the fee provided in ORS 803.645 for the permit.

(5) Each trip permit is valid for a period of consecutive days; 21 days for a light vehicle trip permit and 10 days for a recreational vehicle trip permit and a 10-day trip permit. Each permit is effective from the date it is issued to midnight on the date of expiration.

(6) The issuance of trip permits under this rule is limited as follows:

(a) No more than one light vehicle or recreational vehicle trip permit may be issued under subsection (1)(a), (c) or (d) of this rule in any 12-month period for any one vehicle unless all registered owners are replaced with new owners;

(b) No more than two light vehicle trip permits may be issued under subsection (1)(b) of this rule in any 12-month period for any one vehicle unless all registered owners are replaced with new owners; and

(c) No more than two 10-day trip permits may be issued under section (2) of this rule for the same motor vehicle.

Stat. Auth.: ORS 184.616, 184.619, 803.600 & 822.035  
 Stats. Implemented: ORS 803.565, 803.600, 803.602 & 803.645  
 Hist.: MV 2-1983, f. 3-10-83, ef. 5-1-83; MV 4-1983, f. 10-5-83, ef. 10-15-83; MV 1-1984, f. & ef. 1-10-84; MV 20-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0012; MV 4-1989, f. & cert. ef. 1-3-89; MV 13-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 2-1996, f. & cert. ef. 4-18-96; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 28-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 8-2002, f. & cert. ef. 4-12-02; DMV 28-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 9-2004, f. & cert. ef. 5-24-04

**735-150-0080**

**Requirements for Issuing Trip Permits**

Designated dealers must comply with the following requirements when issuing trip permits:

(1) Each copy of the trip permit must be completed with the following information:

(a) Name, address, driver license number and state of issue of the person issued the permit. A recreational vehicle trip permit must only be issued to the owner of the vehicle listed on the permit. This information may not be displayed on the (window) copy of the permit;

(b) If the applicant does not have a driver license or if the permit is issued to a business, nothing will be displayed on the purchaser's (window) copy of the permit to identify to whom the permit was issued. The name and address information is recorded on all other copies of the permit;

(c) A complete vehicle description, including year, make, body style and identification number;

(d) A written signature, including the full first and last name of the employee who issued the permit;

(e) Dealer certificate number;

(f) The effective date and expiration date of the permit; and

(g) The applicant's signature certifying:

(A) The insurance company name and policy number for the motor vehicle;

(B) The motor vehicle is covered by an insurance policy that meets the requirements of ORS 806.080 and will continue to be covered as long as the permit is valid;

(C) For a recreational vehicle trip permit, that the applicant has not been issued recreational vehicle trip permits that when included with the permit being applied for, would grant more than 10 days vehicle operation for the preceding 12 months.

(2) Except as specified in section (3) of this rule, DMV's copy of the trip permit must be mailed or delivered to DMV within seven (7) days of the date the permit was issued.

(3) Alteration of the effective date, ownership information or vehicle description will automatically void a trip permit. When a trip permit is voided for any reason, the purchaser's (window) copy and DMV's copy of the permit and a written explanation about why the permit was voided must be mailed or delivered to DMV on the date the permit is voided. A refund of the prepaid permit fee will be made if DMV is satisfied that the permit was properly voided and not used for operation of the vehicle. If either copy of the permit is unavailable for submitting to DMV, the explanation must state why the copy is unavailable.

(4) The remaining (issuer's) copy of the trip permit must be retained by the dealer.

(5) Trip permits (or books of permits) may not be loaned to another dealer or individual or issued for vehicles sold by another dealer or individual.

(6) Unused trip permits may be returned to DMV for a refund of fees paid.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 803.600  
 Stats. Implemented: ORS 803.600 - 803.650  
 Hist.: MV 20-1986, f. & ef. 12-1-86; Administrative Renumbering 3-1988, Renumbered from 735-071-0215; MV 2-1989, f. & cert. ef. 1-3-89; MV 13-1991, f. 9-18-91, cert. ef. 9-29-91; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 28-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 8-2002, f. & cert. ef. 4-12-02; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 7-2005, f. & cert. ef. 2-16-05

**735-150-0105**

**Late Renewal of Dealer License**

(1) A dealer will be considered to have made timely application for renewal if the dealer:

(a) Submits an application to renew his or her vehicle dealer certificate within 15 days of the expiration of the dealer's most recent vehicle dealer certificate and the application contains a surety bond and any required insurance showing coverage for the dealer continuously since the expiration date of the dealer's most recent vehicle dealer certificate; or

(b) Submits an application to renew a vehicle dealer certificate more than 15 days after the expiration of the dealer's most recent vehicle dealer certificate, but within 45 days of its expiration and the application contains a surety bond and any required insurance showing coverage for the dealer continuously since the expiration date of the vehicle dealer certificate. A dealer who submits a renewal application under this subsection, will be assessed a late fee of \$100 in addition to the renewal fee.

(2) A dealer who continues business operations and has not submitted an application to renew a vehicle dealer certificate within 45 days after the expiration of the dealer's most recent vehicle dealer certificate will be considered in violation of ORS 822.005 and subject to civil penalties as established by OAR 735-150-0160.

(3) A dealer may avoid the penalties in subsection (1)(b) and section (2) of this rule by showing that mitigating circumstances prevented the dealer from timely filing the renewal application. For purposes of this section, mitigating circumstances include but are not limited to:

(a) The dealer took action to renew the license on a date reasonably calculated to complete the process in a timely manner; and

(b) The delay in renewal was due to circumstances beyond the dealer's ability to control.

Stat. Auth.: ORS 183.430, 802.010, 802.030, 802.370, 803.600, 803.625, 821.060, 821.080 & 822.005 - 822.080  
 Stats. Implemented: ORS 822.040  
 Hist.: MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 20-2004, f. & cert. ef. 8-20-04

**735-150-0110**

**Dealer Offenses Subject to Civil Penalty or Sanction**

In addition to any other penalties provided by law, a dealer will be subject to the civil penalties or sanctions in OAR 735-150-0120 to 0140 if the dealer:

(1) Allows or assists a person who is not an employee of the dealer to imply or represent an affiliation with the vehicle dealership in order to engage in any activity pursuant to ORS 822.005.

(2) Fails to submit all taxes or fees due this state, another state or a political subdivision in connection with the sale or transfer of a vehicle.

(3) Signs a name or allows any other person to sign a name of the owner, security interest holder, or lessor on a certificate of title, salvage title or any motor vehicle document used by DMV in the transfer of title without first obtaining a properly signed Power of Attorney. This section does not apply to a dealer who as an owner, security interest holder or lessor signs their own name on a certificate of title, salvage title or any motor vehicle document used by DMV in the transfer of title.

(4) Purchases, sells, disposes of or has in the dealer's possession, any vehicle that the dealer knows or with reasonable diligence should have known has been stolen or appropriated without the consent of the owner.

(5) Fails to comply with state or federal laws, rules or regulations pertaining to the construction or safety of motor homes, trailers or campers.

(6) Buys, sells, receives, disposes of, conceals or has in the dealer's possession any vehicle or component from which an identification number has been removed, defaced, covered, altered or destroyed for the purpose of concealing or misrepresenting the identity of the vehicle.

(7) Violates any provision of state or federal law, rule or regulation concerning odometer tampering, repair, readings or notices.

(8) Prints or produces or causes to be printed or produced any certificate of title or certificate of registration without authority, or holds or uses any such certificate or assignment knowing that it has been printed or purchased without authority.

(9) Commits any offense specified in ORS 822.045.

(10) Acts as a vehicle dealer anytime between the day DMV receives notice of cancellation of bond or insurance and the day the vehicle dealer presents proof to DMV of another bond or certificate of insurance.

(11) Issues a temporary registration permit to a person not domiciled in Oregon or who is otherwise not subject to or eligible for Oregon registration.

(12) Fails to notify DMV on a form or in a format approved by DMV within seven (7) calendar days of receipt of a vehicle in inventory, that a vehicle has been transferred to the dealer.

(13) Fails to immediately remove registration plates from vehicles registered in other jurisdictions that are in the dealer's inventory. The dealer may retain the plates until the vehicle is sold.

(14) Fails to destroy registration plates removed from vehicles registered in other jurisdictions at the time of sale if the vehicle is to be titled in Oregon or in a jurisdiction other than that in which the vehicle was previously registered. If the vehicle will be re-registered in the former jurisdiction, the plates may be placed back on the vehicle following the sale.

(15) Completes or allows an employee to complete a DMV Vehicle Identification Number (VIN) Inspection form without physically inspecting the vehicle for its vehicle identification number.

(16) Sells a vehicle of a type not authorized by the dealer's certificate.

(17) Fails to comply with any provision of ORS 822.060 through 822.065 concerning consignment sales.

(18) Fails to comply with any provision of ORS 822.040(4) or OAR 735-150-0033 concerning the display of a vehicle at a location other than the dealer's place of business for the purpose of advertising.

(19) Provides brokerage services and fails:

(a) To provide the written disclosure described in ORS 822.047(2);

(b) To provide the written statement described in ORS 822.047(3); or

(c) To comply with the requirements for broker fees described in ORS 822.047(4).

(20) Makes a false statement of material fact in:

(a) An application for a dealer certificate or attachments thereof;

(b) Any investigation by DMV or law enforcement; or

(c) Any DMV document.

(21) Commits a felony by violating ORS 822.605.

(22) Fails to maintain records described in OAR 735-150-0050(5) or fails to make those records available to DMV, law enforcement personnel or investigators of the Oregon Department of Justice upon their request.

(23) Fails to comply with the requirements of the Oregon Vehicle Code with reference to notices or reports of the transfer of vehicles or campers.

(24) Allows or permits the unlawful use of any certificate or registration plate.

(25) Falsely certifies under ORS 822.033 that the dealer is exempt from filing a certificate of insurance as required by ORS 822.020 or 822.040.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.370, 803.600, 803.625, 821.060, 821.080 & 822.035

Stats. Implemented: ORS 822.005 - 822.080

Hist.: MV 3-1980, f. 2-15-80, ef. 4-1-80; Suspended by MV 5-1980(Temp), f. & ef. 4-2-80; MV 4-1981, f. 4-1-81, ef. 4-10-81; MV 7-1982, f. & ef. 3-3-82; MV 7-1987, f. & ef. 7-13-87; MV 1-1988, f. & cert. ef. 1-5-88; Administrative Renumbering 3-1988, Renumbered from 735-071-0003; MV 39-1989, f. & cert. ef. 10-3-89; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 18-2002, f. & cert. ef. 9-20-02; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06

### 735-150-0120

#### Sanctions

(1) DMV may impose sanctions when it determines that a dealer has violated any provision of the Oregon Vehicle Code or rules adopted by DMV relating to:

(a) The operation of a vehicle dealership;

(b) Providing brokerage services; or

(c) Vehicle title and registration.

(2) Sanctions imposed may be against any or all of the following:

(a) A vehicle dealer's certificate;

(b) A dealer's status as DMV's agent; or

(c) An owner, partner, corporate officer or other principal of the dealership.

(3) Factors DMV may consider in determining the sanctions to impose include:

(a) The severity of a violation or its impact on the public;

(b) The number of similar or related violations;

(c) Whether a violation was willful or intentional;

(d) The history of all sanctions, civil penalties and oral or written warnings issued or imposed by DMV against the dealer or principals of the dealership.

(4) If DMV determines that a sanction is warranted, the type of sanction imposed may include one or more of the following:

(a) Probation under conditions set by DMV pertaining to the dealer's authority to act as an agent of DMV for up to one (1) year;

(b) Suspension of the dealer's authority to act as an agent of DMV for up to one (1) year;

(c) Permanent revocation of the dealer's authority to act as an agent of DMV;

(d) Probation under conditions set by DMV, for up to three (3) years;

(e) Suspension of the dealer's vehicle dealer certificate and the right to apply for a certificate for up to three (3) years including the right to renew the certificate until the period of suspension has been served;

(f) Permanent revocation of the dealer's vehicle dealer certificate;

(g) Cancellation of the dealer's vehicle dealer certificate;

(h) Suspension of the right of a principal of a dealership to apply for a vehicle dealer certificate for a different vehicle-related business or in a different business name for up to three (3) years;

(i) Permanent revocation of the right of a principal of a dealership to apply for a vehicle dealer certificate for a different vehicle-related business or in a different business name;

(j) Immediate suspension as provided in ORS 183.430(2).

(5) A dealer or principal whose vehicle dealer certificate or privileges have been placed on probation, suspended, canceled or revoked is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(6) Except as provided for in sections (7) and (8) of this rule, a dealer's request for a hearing must be submitted in writing to, and received by DMV within 20 days of the date of the notice of penalty. A hearing request received in a timely manner will result in a withdrawal of the penalty, pending the outcome of the hearing.

(7) In the instance of an immediate suspension as provided by, ORS 183.430(2) a dealer's request for a hearing must be submitted in writing to, and received by DMV within 90 days of the date of notice of suspension. A hearing request received in a timely manner will not result in a withdrawal of the suspension, pending the outcome of the hearing.

(8) In the instance of cancellation as provided by ORS 822.050(2) or (3) for failure to satisfy the bond or insurance requirements established by ORS 822.030 and 822.033, a dealer's request for a hearing must be submitted in writing to, and received by DMV within 90 days of the date of the notice of cancellation. A hearing request received in a timely manner will not result in a withdrawal of cancellation, pending the outcome of the hearing.

(9) When a timely request for a hearing is not received, the dealer will have defaulted, waived the right to a hearing and DMV's file will then constitute the record of the case.

[Publications: Publications referenced are available from the agency.]

Stat. Auth.: ORS 183.430, 184.616, 184.619, 802.010, 802.030, 802.370, 803.600, 803.625, 821.060, 821.080 & 822.005 - 822.080

Stats. Implemented: ORS 822.050

Hist.: MV 2-1983, f. 3-10-83, ef. 5-1-83; MV 4-1983, f. 10-5-83, ef. 10-15-83; MV 1-1984, f. & ef. 1-10-84; MV 7-1987, f. & ef. 7-13-87; Administrative Renumbering 3-

1988, Renumbered from 735-071-0013; MV 8-1991, f. & cert. ef. 7-19-91; MV 22-1991, f. 9-27-91, cert. ef. 9-29-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06

**735-150-0130**

**Civil Penalty Consideration; Certified Vehicle Dealers**

(1) A dealer, who violates any provision of the Oregon Vehicle Code or any rule adopted by DMV relating to vehicle dealers, the operation of a vehicle dealership, providing brokerage services or vehicle title and registration, may incur, in addition to any other penalty or sanction provided by law, a civil penalty in an amount of not more than \$1,000 for each violation.

(2) DMV will assess a penalty amount determined by DMV to be appropriate for the particular violation. In determining an appropriate penalty amount, DMV may use the schedule set forth in OAR 735-150-0140 as a guideline and may consider the following:

- (a) The severity of the violation or its impact on the public;
- (b) The number of similar or related violations;
- (c) Whether a violation was willful or intentional;
- (d) The prior history of all civil penalties and sanctions imposed by DMV against the dealer or principals of the dealership;
- (e) The number of violations compared to the volume of transactions at the dealership; or
- (f) Other circumstances determined by DMV to be applicable to the particular violation.

(3) Upon review of the criteria listed in section (2) of this rule, and prior to the issuance of a final order, DMV may reassess a civil penalty amount and agree to a civil penalty amount other than that assessed in the Notice of Imposition of Civil Penalty. After review of the criteria listed in section (2) of this rule DMV may:

- (a) Cancel, refuse to renew, or refuse to issue a certificate to any person who fails to pay a civil penalty assessed by DMV; or
- (b) Waive the imposition of a civil penalty, or modify the amount, and request that a dealer attend specialized training, as determined by DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.035  
 Stats. Implemented: ORS 183.430, 822.009, 822.045 & 822.050  
 Hist.: MV 22-1991, f. 9-27-91, cert. ef. 9-29-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 8-2000, f. & cert. ef. 8-10-00; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06

**735-150-0140**

**Schedule of Civil Penalties for Certified Dealers**

DMV adopts the following civil penalty schedule as a guide to the imposition of civil penalties pursuant to ORS 822.009. While this schedule is the primary source used to determine the amount of the civil penalty, a civil penalty assessed against a certified dealer may be modified in accordance with the provisions of OAR 735-150-0130. As used in this rule, an offense will be considered a second or subsequent offense if a dealer was notified in writing within the three (3) previous years of the occurrence of the same offense:

- (1) Failure to comply with any provision of OAR 735-150-0030(1) through (3), concerning dealer location regulations:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (2) Failure to comply with the provisions of OAR 735-150-0030(4) concerning dealer location regulations:
  - (a) For the first violation: \$500;
  - (b) For the second and subsequent violation(s): \$1,000.
- (3) Failure to comply with OAR 735-150-0040(5), (6) or (7), concerning the delivery of registration items:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (4) Failure to comply with any provision of OAR 735-150-0050, concerning acceptance and submission of title or registration application fees:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (5) Failure to comply with any provision of OAR 735-150-0060, concerning issuance of temporary registration permits:

- (a) For the first violation: warning;
- (b) For the second violation: \$50;
- (c) For the third violation: \$100;
- (d) For the fourth and subsequent violation(s): \$250.
- (6) Failure to comply with any provision of OAR 735-150-0070, concerning trip permits issued by dealers:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;
  - (c) For the third violation: \$100;
  - (d) For the fourth and subsequent violation(s): \$250.
- (7) Failure to comply with any provision of OAR 735-150-0080, concerning requirements for issuing light vehicle or recreational vehicle trip permits:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;
  - (c) For the third violation: \$100;
  - (d) For the fourth and subsequent violation(s): \$250.
- (8) Failure to comply with OAR 735-150-0110(1), prohibiting a dealer from allowing a person not employed by the dealership to engage in dealer activity:
  - (a) For the first violation: \$250;
  - (b) For the second violation: \$500;
  - (c) For the third and subsequent violation(s): \$1,000.
- (9) Failure to comply with OAR 735-150-0110(2), concerning failing to submit all taxes and fees:
  - (a) For the first violation: \$250;
  - (b) For the second violation: \$500;
  - (c) For the third and subsequent violation(s): \$1,000.
- (10) Failure to comply with OAR 735-150-0110(3), concerning a dealer who signs a name or allows any other person to sign a name of an owner, security interest holder or lessor on title or transfer documents without a Power of Attorney:
  - (a) For the first violation: \$500;
  - (b) For the second and subsequent violation(s): \$1,000.
- (11) Failure to comply with OAR 735-150-0110(4), concerning dealing in stolen vehicles. For the first and subsequent violation(s): \$1,000.
- (12) Failure to comply with OAR 735-150-0110(6), concerning altered vehicle identification numbers. For the first and subsequent violation(s): \$1,000.
- (13) Failure to comply with OAR 735-150-0110(7), concerning odometers, except violations of ORS 815.410, 815.420 and 815.430:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (14) Violation of ORS 815.410, 815.420 and 815.430, concerning odometer tampering and notices: For the first and subsequent violation(s): \$1,000.
- (15) Failure to comply with OAR 735-150-0110(8), concerning fraudulent title or registration documents. For the first and subsequent violation(s): \$1,000.
- (16) Except as otherwise provided in OAR 735-150-0140, the following apply for any violation of ORS 822.045, including the failure to comply with OAR 735-150-0110(10), concerning acting as a vehicle dealer any time between the day DMV receives notice of cancellation of bond or insurance and the day the vehicle dealer presents proof to DMV of another bond or certificate of insurance:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (17) \$1,000 civil penalty for the first and subsequent violation(s) of ORS 822.045(1)(d), (e) or (k) or OAR 735-150-0039.
- (18) Failure to comply with OAR 735-150-0110(11), concerning issuance of temporary registration permits to persons not eligible:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (19) Failure to comply with OAR 735-150-0110(12), concerning failure to notify DMV of a vehicle transferred to the dealer:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;

- (c) For the third violation: \$100;
- (d) For the fourth violation: \$250;
- (e) For the fifth and subsequent violation(s): \$500.
- (20) Failure to comply with OAR 735-150-0110(13), concerning failure to remove foreign registration plates:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;
  - (c) For the third violation: \$100;
  - (d) For the fourth and subsequent violation(s): \$250.
- (21) Failure to comply with OAR 735-150-0110(14), concerning failure to destroy foreign registration plates:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$50;
  - (c) For the third violation: \$100;
  - (d) For the fourth and subsequent violation(s): \$250.
- (22) Failure to comply with OAR 735-150-0110(15), concerning the physical inspection of vehicle identification numbers:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (23) Failure to comply with OAR 735-150-0110(16), concerning sale of vehicles of a type not allowed:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (24) Failure to comply with ORS 822.060(1)(a), (b), (c), (e), (h) or (i), concerning consignment sales:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (25) Violations of ORS 822.060(1)(d), (f) or (g) or 822.065, concerning consignment sales:
  - (a) For the first violation: \$500;
  - (b) For the second and subsequent violation(s): \$1,000.
- (26) Failure to comply with OAR 735-150-0110(20) concerning making a false statement of material fact:
  - (a) For the first violation: \$500;
  - (b) For the second and subsequent violation(s): \$1,000.
- (27) Any violation of the Oregon Vehicle Code or OAR chapter 735 not otherwise classified in this rule:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (28) Violations of OAR 735-150-0035 concerning dealer records:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$500;
  - (c) For the third and subsequent violation(s): \$1,000.
- (29) Violations of OAR 735-150-0045 and, ORS 822.082 through 822.084 concerning special rules and statutory provisions for RV dealers:
  - (a) For a certified dealer or person acting as a show organizer that conducts a show without a license:
    - (A) For the first violation: \$250;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
  - (b) For failing to display a show license at a show:
    - (A) For the first violation: \$250;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
  - (c) For a certified dealer or person acting as a show organizer that fails to include a dealer in a show license application:
    - (A) For the first violation: \$250;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
  - (d) For selling a new RV without maintaining a service facility:
    - (A) For the first violation: \$250;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
  - (e) For selling a new RV while maintaining a service facility that is not primarily engaged in the service and repair of RVs:
    - (A) For the first violation: \$250;
  - (B) For the second violation: \$500;
  - (C) For the third and subsequent violation(s): \$1000.
  - (f) For failing to prominently display the location of the dealer's service facility at a sales facility or RV show:
    - (A) For the first violation: Warning;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
  - (g) For subcontracting a service facility rather than directing the service operation:
    - (A) For the first violation: \$250;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
  - (h) For a certified dealer or person acting as a show organizer that conducts a show beyond the scope of the show license. For example, for additional days or hours:
    - (A) For the first violation: \$250;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
  - (i) For submitting an application that contains a false statement or omission of material fact:
    - (A) For the first violation: \$250;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
  - (j) Except as otherwise provided in OAR 735-150-0140, the following apply for any violation of OAR 735-150-0045 and ORS 822.082 to 822.084:
    - (A) For the first violation: \$250;
    - (B) For the second violation: \$500;
    - (C) For the third and subsequent violation(s): \$1000.
- (30) Violation of OAR 735-150-0055 concerning charging document processing fees for submitting titles and registrations to DMV:
  - (a) For the first violation: \$250;
  - (b) For the second violation: \$500;
  - (c) For the third and subsequent violation(s): \$1000.
- (31) Violation of OAR 735-150-0037 concerning records; satisfying prior interest; providing clear title:
  - (a) For the first violation: Warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1000.
- (32) Violation of OAR 735-150-0110(24), concerning the unlawful use of any certificate or registration plate:
  - (a) For the first violation: \$100;
  - (b) For the second violation: \$500;
  - (c) For the third violation: \$750;
  - (d) For the fourth and subsequent violation(s): \$1000.
- (33) Failure to comply with any provision of ORS 822.047 or OAR 735-150-0110(19), concerning the requirements for providing brokerage services:
  - (a) For the first violation: warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1,000.
- (34) Violations of OAR 735-150-0033 and, ORS 822.040(4) concerning the display of a vehicle at a location other than the dealers place of business for the purpose of advertising:
  - (a) For the first violation: Warning;
  - (b) For the second violation: \$250;
  - (c) For the third violation: \$500;
  - (d) For the fourth and subsequent violation(s): \$1000.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.009 & 822.035  
 Stats. Implemented: ORS 822.009, 822.035 & 822.045  
 Hist.: MV 22-1991, f. 9-27-91, cert. ef. 9-29-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 6-1994, f. & cert. ef. 7-21-94; DMV 2-1996, f. & cert. ef. 4-18-96; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 12-1998(Temp), f. & cert. ef. 9-14-98; DMV 12-1998(Temp), f. & cert. ef. 9-14-98 thru 3-12-99; DMV 2-1999, f. & cert. ef. 2-19-99; DMV 8-2000, f. & cert. ef. 8-10-00; DMV 10-2001, f. & cert. ef. 6-14-01; DMV 22-2001(Temp), f. & cert. ef. 10-17-01 thru 4-14-02; DMV 26-2001 f. 12-14-01, cert. ef. 1-1-02; DMV 18-2002, f. & cert. ef. 9-20-02; DMV 20-2004, f. & cert. ef. 8-20-04; DMV 11-2005, f. 4-25-05, cert. ef. 5-1-05; DMV 24-2005, f. 11-18-05, cert. ef. 1-1-06

**735-150-0160  
 Civil Penalty Considerations; Acting as a Dealer Without a Certificate**

Any person not issued a vehicle dealer certificate under ORS 822.020, who violates ORS 822.005(1) or any DMV rule relating to

the sale of vehicles, will incur, in addition to any other penalty provided by law, a civil penalty not to exceed \$5,000 for each vehicle:

(1) DMV will assess penalties in accordance with the schedule set forth in OAR 735-150-0170.

(2) The Business Regulation Section of DMV may evaluate the appropriateness of the amount of a civil penalty assessed in individual cases and may agree to payment of an amount other than originally assessed. In making such an evaluation, the Business Regulation Section may consider:

- (a) The severity of the violation or its impact on the public;
- (b) The number of similar or related violations;
- (c) Whether the violations were willful or intentional; and
- (d) Any other consideration DMV deems appropriate.

(3) DMV will refuse to issue a certificate under ORS 822.020 to any person who fails to pay a civil penalty.

Stat. Auth.: ORS 184.616, 184.619 & 802.010  
 Stats. Implemented: ORS 822.005 & 822.009  
 Hist.: MV 22-1991, f. 9-27-91, cert. ef. 9-29-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 6-1994, f. & cert. ef. 7-21-94; DMV 30-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 2-2002, f. & cert. ef. 2-15-02; DMV 20-2004, f. & cert. ef. 8-20-04

**735-150-0170**

**Schedule of Violation Penalties, Unlicensed Dealer**

(1) In addition to any other penalty provided by law, the following civil penalty schedule applies to persons acting as a vehicle dealer without a current dealer certificate, including a dealer who sells a vehicle while the dealer's certificate is expired, suspended, cancelled, or revoked.

(2) This schedule does not apply to a person or dealer exempt from dealer certification requirements pursuant to ORS 822.015.

(3) Civil penalties under this schedule are assessed as follows:

- (a) For the first offense: \$2,500 per vehicle;
- (b) For the second and subsequent offenses: \$5,000 per vehicle.
- (4) DMV may reduce a civil penalty assessed under subsection

(3)(a) of this rule if:

(a) The person or dealer files with DMV a completed dealer application that meets Oregon requirements for licensure within 30 days of the date of notice of imposition of civil penalty for acting as an unlicensed dealer; or

(b) A hearing is requested and held in accordance with ORS Chapter 183, and within 30 days of issuance of a final order upholding the penalty, the person files with DMV a completed dealer application that meets Oregon requirements for licensure.

Stat. Auth.: ORS 184.616 & 184.619  
 Stats. Implemented: ORS 822.009 & 822.009  
 Hist.: MV 22-1991, f. 9-27-91, cert. ef. 9-29-91; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 6-1994, f. & cert. ef. 7-21-94; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 30-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 2-2002, f. & cert. ef. 2-15-02

**735-150-0190**

**Contested Case Hearings and Disposition**

(1) The Business Regulation Section of DMV may, in accordance with ORS 183.415(5), make an informal disposition of any contested case prior to the conclusion of any hearing, resulting from a sanction or civil penalty assessed under OAR chapter 735, division 150. This disposition may include a stipulation, agreed settlement, consent order or default order.

(2) An informal disposition by stipulation, agreed settlement or consent order must be in writing, signed by any party to the contested case and incorporated into the final order.

(3) The administrative law judge presiding at a contested case hearing may not adjust the amount of a civil penalty imposed by DMV under OAR 735-150-0130 or 735-150-0160.

Stat. Auth.: ORS 183.430, 184.616, 184.619, 802.010 & 803.625  
 Stats. Implemented: ORS 183.415 & 822.005 - 822.080  
 Hist.: MV 22-1991, f. 9-27-91, cert. ef. 9-29-91; MV 9-1992, f. & cert. ef. 8-17-92; MV 19-1992, f. 12-23-92, cert. ef. 1-1-93; DMV 10-1998, f. & cert. ef. 8-20-98; DMV 8-2000, f. & cert. ef. 8-10-00; DMV 30-2001(Temp), f. 12-14-01 cert. ef. 1-1-02 thru 6-29-02; DMV 20-2004, f. & cert. ef. 8-20-04

**735-150-0205**

**Liquidation of Dealer Inventory Upon Closure of Dealership**

(1) Upon the closure of any vehicle dealership, a dealer, or former dealer:

(a) Must immediately provide DMV Business Regulation Section a complete inventory of all vehicles in possession of the dealer, or for-

mer dealer, at the time of closure. The inventory must be in writing and must include, a description of each vehicle including; vehicle identification number, vehicle make, model and year. The inventory list must be submitted with a written plan to DMV to liquidate the vehicles and a proposed time frame in which to do so; and

(b) Is strictly prohibited from adding to, or making a sale from the inventory in anyway other than as described in subsection (2) of this rule.

(2) Upon the written approval of the DMV Business Regulation Section, all vehicles listed as inventory under section (1) of this rule must be liquidated by one of the following means:

(a) The wholesale of the vehicles to another certified dealer, or by consignment to a certified auto auction authorized to wholesale vehicles to other dealers; or

(b) Titling a limited number of vehicles in the name of the former dealer, subject to the requirements of ORS 822.015; or

(c) Any combination of (a) or (b).

(3) A dealer or former dealer described under this rule must maintain a record of all vehicles that are liquidated including:

(a) The date and specific method(s), as described under section (2) of this rule, used to liquidate each vehicle;

(b) If a vehicle is liquidated to another dealer, or certified auto auction, the name, certificate number and address of each dealer or auction to whom the vehicle was liquidated; and

(c) A description of each vehicle including, the vehicle identification number, make, model and year.

(d) This section also applies to inventoried vehicles that are not liquidated because they are subject to flooring agreements and have, or will be returned or surrendered to the financial institution or manufacturer holding an inventory financing security interest.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.035  
 Stats. Implemented: ORS 822.035  
 Hist.: DMV 20-2004, f. & cert. ef. 8-20-04

**735-150-0250**

**Lien Claimant Records; Notification of Sale**

(1) Purpose. This rule establishes the requirements, form and retention period for lien claimant records pursuant to ORS 822.093. The rule also specifies how a lien claimant will notify DMV of the sale of a subject vehicle.

(2) Definitions. For purposes of ORS 822.093, OAR 735-150-0260 and this rule:

(a) "Owner" means any individual(s) or business shown in the records of DMV as having an ownership interest in a subject vehicle.

(b) "Subject vehicle" means a vehicle sold by a lien claimant to foreclose a possessory lien, or acquired by a lien claimant through a possessory lien foreclosure that is sold or offered for sale by the lien claimant.

(c) "Violation" means failure by a lien claimant to keep records in accordance with this rule.

(3) Records. A lien claimant who sells or offers for sale a subject vehicle must maintain records sufficient to establish that subject vehicles were acquired by the lien claimant as the result of a possessory lien. The following records must be maintained:

(a) A signed and dated copy of an original tow notification, repair order, an impound form from law enforcement or other similar form or document showing how the lien claimant acquired possession of the subject vehicle, or a written record that identifies the person or entity that authorized the lien claimant to take possession of the subject vehicle (e.g. specific law enforcement agency, business, etc.) and the time and date of contact.

(b) A signed and dated copy of an original claim or notice of possessory lien, a notice of foreclosure sale form applicable to the possessory lien or similar form or document showing the owner of the vehicle was notified of the possessory lien;

(c) A signed and dated copy of the DMV certificate of possessory lien foreclosure form applicable to the possessory lien as specified in OAR 735-020-0012 for each subject vehicle; and

(d) A bill of sale, if applicable.

(4) Retention. Records required under this rule must be retained for a period of five (5) years by the lien claimant:

(a) For an individual, at a location that complies with section (5) of this rule;

(b) For a business, including the holder of a current valid towing business certificate issued under ORS 822.205, for a period of five

years; two years on the premises of the main business location or at a supplemental location of the lien claimant if the vehicle is sold to foreclose a possessory lien, and an additional three-year period at any location within the State of Oregon that is convenient for the lien claimant; or

(c) Any other location that is approved in writing by DMV.

(5) Maintenance; Form. Lien claimant records must be maintained in a manner allowing for timely and efficient retrieval of any record requested by DMV for inspection. Records maintained under this rule must be the original records or an exact copy of the original records and may be maintained in hard copy, on film, or by electronic means. DMV may require that any record printed or completed in a language other than English be accompanied by a copy translated into English.

(6) Notice to DMV. A lien claimant must notify DMV within 10 days of the sale or transfer of interest of a subject vehicle by submitting to DMV:

(a) A completed and signed Notice of Sale or Transfer of Vehicle (DMV Form 6890), if the subject vehicle is covered by an Oregon title; or

(b) A completed and signed Notice of Lien Foreclosure; Sale or Transfer of Vehicle (DMV Form 6890A), if the subject vehicle is not covered by an Oregon title.

Stat. Auth.: ORS 184.616, 184.619, 803.097, 822.035, 822.042 & 822.093  
 Stat. Implemented: ORS 87.152, 87.162, 87.166, 87.172, 87.176 - 206, 90.425, 90.675, 98.805, 98.810, 98.812, 98.818, 98.830, 98.835, 803.097, 809.720, 811.555, 811.570, 819.110, 819.120, 819.160, 819.230, 822.035, 822.042, 822.045 & 822.093  
 Hist.: DMV 26-2003(Temp), f. & cert. ef. 12-15-03 thru 6-11-04; DMV 10-2004, f. 5-24-04, cert. ef. 6-1-04

**735-150-0260**

**Civil Penalty Consideration, Lien Claimant Records**

(1) In addition to any other penalty or sanction provided by law, a lien claimant who violates any provision of ORS 822.093 or OAR 735-020-0250 relating to lien claimant records may incur a civil penalty in an amount not to exceed \$1,000 for each violation. DMV will assess a penalty amount determined by DMV to be appropriate for the particular violation. In determining an appropriate penalty amount DMV may use the schedule set forth in section (2) of this rule as a guideline and may consider the following criteria:

- (a) The severity of the violation or its impact on the public;
- (b) The number of similar or related violations;
- (c) Whether the violations were willful or intentional;
- (d) The prior history of penalties imposed by DMV against the lien claimant;

(e) The number of violations compared to the volume of transactions by the lien claimant; or

(f) Other circumstances determined by DMV to be applicable to the particular violation.

(2) Pursuant to ORS 822.093, DMV may impose a civil penalty for failure to comply with any provision of OAR 735-020-0250, concerning lien claimant records:

- (a) For first offense: warning;
- (b) For second offense: \$250;
- (c) For third offense: \$500;
- (d) For fourth and subsequent offense: \$1,000.

(3) Prior to the issuance of a final order, DMV may reassess the civil penalty amount and may agree to payment of an amount less than that assessed in the Notice of Imposition of Civil Penalty, after review of:

- (a) The criteria listed in section (1) of this rule; and
- (b) Any explanatory information provided to DMV.

Stat. Auth.: ORS 184.616, 184.619, 803.097, 822.035, 822.042 & 822.093  
 Stat. Implemented: ORS 87.152, 87.162, 87.166, 87.172, 87.176 - 206, 90.425, 90.675, 98.805, 98.810, 98.812, 98.818, 98.830, 98.835, 803.097, 809.720, 811.555, 811.570, 819.110, 819.120, 819.160, 819.230, 822.035, 822.042, 822.045 & 822.093  
 Hist.: DMV 26-2003(Temp), f. & cert. ef. 12-15-03 thru 6-11-04; DMV 10-2004, f. 5-24-04, cert. ef. 6-1-04

**DIVISION 152**

**DISMANTLERS**

**735-152-0000**

**Definitions**

As used in this division the following definitions apply:

(1) “Acquires,” “acquired” or “acquisition” means physical possession of a motor vehicle together with possession of the vehicle’s ownership record.

(2) “Certificate of sale” has the same meaning as defined in ORS 801.183.

(3) “Date of sale” means the date that a purchaser takes possession of a major component purchased from a dismantler.

(4) “Destroy” has the same meaning as defined in ORS 822.133.

(5) “Dismantler” has the same meaning as defined in ORS 801.236.

(6) “Dismantle” means one or more parts are removed from a motor vehicle acquired by a dismantler.

(7) “Dispose” or “disposed of” means a motor vehicle acquired by a dismantler is transferred to another person or is dismantled or destroyed.

(8) “DMV” means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.

(9) “Employee” means a person over whom a dismantler exercises the type of control typically associated with an employer, including:

(a) Determining the frequency, method and amount of compensation;

(b) Determining whether the person’s work is continuous or intermittent;

(c) Determining the hours or frequency of a person’s work; or

(d) Retaining the ability to terminate the relationship.

(10) “Major component part” has the same meaning as defined in ORS 822.137.

(11) “Ownership record” means a Primary Ownership record as defined in ORS 801.402 and includes those documents described in OAR 735-020-0010 or an abandoned vehicle certificate under OAR 735-024-0077.

(12) “Permanent revocation” means to permanently revoke a dismantler certificate and the right to apply for a dismantler certificate. A person subject to permanent revocation of a dismantler certificate is ineligible to apply for a new dismantler certificate.

(13) “Person” means an individual, partnership, corporation, association, or any other business organization if the context in which the term is used could also include these organizational forms.

(14) “Principal” means any owner, partner, corporate officer or other person who controls or manages the business organization or the employees or agents of the business organization.

(15) “Probation” means a period of time specified by DMV that a dismantler may continue to operate, but only under terms or conditions established by DMV.

(16) “Salvage Pool” means a person providing a storage service for salvage vehicles, and who either displays the vehicles for resale or solicits bids for the sale of salvage vehicles for other owners. This definition also applies to insurance companies who store and display salvage vehicles for sale. Salvage pools are considered dismantlers and must comply with all applicable requirements of ORS 822.100 through 822.150 and DMV rules pertaining to dismantlers.

(17) “Salvage Vehicle” means a vehicle which has sustained damages sufficient to require it to be rebuilt or disassembled for parts. This definition does not apply to: Campers, boats, canopies, mopeds, travel trailers, motorcycles, snowmobiles or Class I or III all-terrain vehicles or vehicles whose unloaded weight exceeds 8,000 pounds.

(18) “Sanction” means an action taken by DMV against a dismantler certificate for non-compliance with Oregon law or any applicable DMV rule.

(19) “Suspension” means the temporary withdrawal of the authority to act as a dismantler.

(20) “Revocation” means to void and terminate a dismantler certificate. Unless permanently revoked, DMV will specify the period of time before the person subject to the revocation may apply for a new dismantler certificate.

(21) “Vehicle Business” includes vehicle dealers as defined in OAR 735-150-0010(14), dismantlers, towing businesses, vehicle transporters, salvage pools and repair shops.

(22) “Violation” means any violation of Oregon law or a DMV rule applicable to a dismantler issued a certificate or any person engaged in dismantling activities.

(23) “Warning” means a documented warning or correction notice issued to a principal or employee of a dismantler business.

(24) "Wrecked vehicle" has the same meaning as defined in ORS 822.133.

(25) "Written report" means DMV Form 270, Vehicle Dismantler's Notice and the original ownership record for the vehicle.

Stat. Auth.: ORS 184.616, 184.619, 801.133, 801.236, 802.010, 822.100 – 822.150  
 Stats. Implemented: ORS 822.125 & 822.100 – 822.150  
 Hist.: MV 7-1987, f. & cf. 7-13-87; MV 10-1991, f. & cert. ef. 8-20-91; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0005**

**Dismantler Application**

(1) In addition to the requirements for an application for a dismantler certificate under ORS 822.110, or a renewal under ORS 822.125, an applicant for a dismantler certificate must submit the following to the DMV Business Regulation Section:

(a) A completed and signed Application for Dismantler Certificate (DMV Form 735-373) that includes:

(A) A certification that the dismantler's business complies with the building, enclosure or barrier requirements under ORS 822.135(1) and OAR 734-040-0030;

(B) A state-issued picture identification (a copy of driver license or identification card) for each principal; and

(C) If the applicant is a corporation, firm or partnership, the Oregon business registry number assigned by the Secretary of State, Corporation Division.

(b) All applicable fees; and

(c) A completed and signed DMV statement of compliance for surety bond or letter of credit.

(2) In addition to the requirements of section (1) of this rule, the applicant must submit a completed and signed Application for Supplemental Dismantler Certificate (DMV Form 735-373A) for each additional business location other than the dismantler's primary business location.

(3) If a dismantler changes the business location or business name on the dismantler's certificate, the dismantler must submit a completed and signed Application to Correct Dismantler Certificate (DMV Form 735-373B) and obtain a corrected dismantler certificate before business can be conducted at the new location or under the new business name.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.100 – 822.150  
 Stats. Implemented: ORS 822.100 – 822.150  
 Hist.: DMV 4-1996, f. & cert. ef. 7-26-96; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0010**

**Investigation of Dismantler Applications**

(1) DMV may investigate applications for an original or renewal of a dismantler certificate to determine whether the information contained in the application is accurate and complete, and will do so whenever DMV has reason to believe the application is not accurate.

(2) DMV will investigate each application for an original or renewal of a dismantler certificate to determine if any of the principals of the applicant are or have been financially or operationally involved with any other vehicle business whose certificate or right to apply for a certificate is or has been on probation, suspended, canceled or revoked.

(3) DMV may investigate any principal of the applicant to determine whether the principal:

(a) Has been convicted of a violation of any provision of ORS Chapter 822 within the five years preceding the date of the application;

(b) Has been convicted in any jurisdiction outside of the state of Oregon of any violation of that jurisdiction's statutes relating to vehicle businesses, vehicle registration, title transfers or stolen vehicles within the five years preceding the date of the application; or

(c) Is currently subject to any type of administrative action relating to vehicle businesses, vehicle registration, title transfers or stolen vehicles in a jurisdiction outside of the state of Oregon.

Stat. Auth.: ORS 802.010, 822.115, 822.125, 822.130 & Ch. 654, OL 2005  
 Stats. Implemented: ORS 822.115 – 822.125, Ch. 654, OL 2005  
 Hist.: MV 10-1991, f. & cert. ef. 8-20-91; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0020**

**Refusal to Issue and Probationary Status of Dismantler Certificate**

(1) DMV will not issue an original or renewal of a dismantler certificate to any applicant when it determines the application is incomplete or information contained in the application is false.

(2) DMV will not issue an original or renewal of a dismantler certificate to any applicant when it determines a principal of the applicant is financially or operationally involved with any vehicle business whose certificate or right to apply for a certificate is currently suspended, canceled or revoked.

(3) DMV may issue an original or renewal of a dismantler certificate on a probationary basis if a principal of the applicant is financially or operationally involved with another vehicle business whose certificate or right to apply for a certificate is currently on probation.

(4) DMV will not issue an original or renewal of a dismantler certificate to any applicant when it determines a principal of the applicant:

(a) Has been convicted of a violation of any provision of ORS Chapter 822 within the five years preceding the date of the application;

(b) Has been convicted in any jurisdiction outside of the state of Oregon of any violation of that jurisdiction's statutes relating to vehicle businesses, vehicle registration, title transfers or stolen vehicles within the five years preceding the date of the application; or

(c) Is currently affected by any type of administrative sanction or penalty that prohibits the principal from conducting a vehicle business and relates to vehicle businesses, vehicle registration, title transfers or stolen vehicles in a jurisdiction outside of the state of Oregon.

(5) DMV will not issue an original or renewal of a dismantler certificate until such time as it is satisfied the applicant meets all requirements for issuance of a certificate found in ORS Chapter 822 and OAR 735, division 152.

(6) DMV will retain the fees paid with an application to cover processing costs when it refuses to issue a certificate.

(7) An applicant who has been refused issuance of a dismantler certificate is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(8) The refused applicant's request for a hearing must be submitted in writing and received by DMV, within 60 days of the date of the refusal. A hearing request received in a timely manner will not result in issuance of a certificate, pending the outcome of the hearing. In case of a refusal to renew, the dismantler may continue to operate under the old certificate in accordance with ORS 183.430(1), pending the outcome of the hearing, except when DMV finds that such continued operation would constitute a serious danger to the public health or safety and extends the hearing request period to 90 days in accordance with ORS 183.430(2).

(9) When a dismantler or principal of the dismantler business fails to file a timely request for hearing, the charges shall be considered to have been admitted, the dismantler or principal shall be deemed in default as to those charges, DMV's file shall constitute the record of the case, and the order of refusal shall become final.

Stat. Auth.: ORS 184.616, 184.619, 802.010 822.100 – 822.150  
 Stats. Implemented: ORS 822.100 – 822.150  
 Hist.: MV 10-1991, f. & cert. ef. 8-20-91; DMV 23-2004, f. & cert. ef. 11-17-04; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0025**

**Dismantler Business Location Regulations**

(1) Each dismantler business location must:

(a) Comply with the building, enclosure or barrier requirements under ORS 822.135(1) and OAR 734-040-0030;

(b) Provide a means for the public to contact the dismantler or an employee of the dismantler at all times during the dismantler's normal business hours;

(c) Display an exterior sign, permanently affixed to the land or a building, that identifies the dismantler business by the name printed on the dismantler certificate, with letters clearly visible to the major avenue of traffic; and

(d) Display, in a publicly accessible and conspicuous manner, the dismantler certificate.

(2) A dismantler must have a certificate or supplemental certificate on display for each location where the dismantler displays vehicles and component parts. A dismantler who uses a supplemental place of business must have a supplemental certificate from DMV before business can be conducted at the supplemental location.

(3) As required by ORS 822.133(2), if the dismantler takes possession of a wrecked vehicle without an ownership record or salvage title, the vehicle may remain on the business premises if it is:

(a) Confined to an area of the business location that is clearly off-limits to customers for purposes of buying or selling a vehicle or component part; or

(b) Tagged with a “not for sale” notice that is clearly and conspicuously posted on the vehicle in plain view of customers and legible at a distance of 20 feet or more.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.100 – 822.150  
 Stats. Implemented: ORS 822.100 – 822.150  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0031  
 Dismantler Records**

(1) As required by ORS 822.135, 822.137 and this rule, motor vehicle dismantlers must maintain records on each motor vehicle or major component part acquired and taken into the inventory of the dismantler’s business. Records must be retained at the dismantler’s business location for a period of three years from the date of acquisition. Records must include the following:

- (a) For a motor vehicle:
  - (A) If last titled in Oregon, the Oregon title number, or if the title is not available a copy of the vehicle ownership document;
  - (B) If last titled in another jurisdiction, a copy of the out-of-state title or ownership document;
  - (C) If available, the registration plate number and the name of the jurisdiction where the vehicle was last registered;
  - (D) The year, make and model;
  - (E) The vehicle identification number;
  - (F) The date the vehicle was acquired as defined under OAR 735-152-0000(1);

(G) The vehicle, stock or yard number assigned to the vehicle by the dismantler; and

- (H) Any other information required by DMV.
- (b) A description of a major component part that identifies the part, including:
  - (A) The physical characteristics of the part;
  - (B) The stock or yard number assigned to the part by the dismantler;
  - (C) The vehicle identification number of the motor vehicle from which the part came; and
  - (D) Any other information required by DMV.

(2) Dismantler records subject to this rule must be maintained in a manner that allows for timely retrieval of any record requested by DMV or a police officer for inspection. The dismantler may maintain original records or an exact copy of the original records in hard copy, on film, or electronically. If first approved by DMV, an exact copy of the dismantler’s original records may be stored in some other manner. DMV or a police officer may require that any record printed or completed in a language other than English be accompanied by a copy translated into English.

(3) DMV may inspect dismantler records including books, contracts, documents, letters and records of any type, including electronic and paper records, of any certified dismantler when DMV is investigating a potential violation of Oregon Vehicle Code or DMV rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.100 – 822.150  
 Stats. Implemented: ORS 822.100 – 822.150  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0034  
 Report that Vehicle is Dismantled or Destroyed**

(1) This rule designates the form of the written report required under ORS 822.133(2)(e).

(2) A dismantler must submit a completed and signed written report to DMV within 30 days of the date that a dismantler destroys or dismantles a motor vehicle acquired by the dismantler.

- (3) The written report must include:
  - (a) A completed and signed Vehicle Dismantler’s Notice (DMV Form 270); and
  - (b) The original ownership record for the vehicle.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.100 – 822.150  
 Stats. Implemented: ORS 822.100 – 822.150  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0037  
 Late Renewal of Dismantler Certificate**

(1) An application to renew a dismantler certificate will not be considered late if the dismantler submits an application for renewal:

(a) Within 15 days of the date that the previous certificate expired, and the application is submitted with a surety bond in effect during that 15-day period; or

(b) No later than 45 days after the previous certificate expired, and the application is submitted with a surety bond in effect during that 45-day period. A dismantler who submits an application for renewal under this subsection will be assessed a late fee of \$100 in addition to the renewal fee.

(2) A dismantler who continues business operations 45 days after their certificate has expired is in violation of ORS 822.100 and is subject to civil penalties under OAR 735-152-0060.

(3) DMV may waive or reduce a penalty described under this rule if the dismantler provides DMV with written documentation that shows that mitigating circumstances prevented the dismantler from renewing their certificate on time. Mitigating circumstances DMV may consider include:

- (a) The dismantler took action to renew the license on a date reasonably calculated to complete the process in a timely manner; and
- (b) The delay in renewal was due to circumstances beyond the dismantler’s ability to control.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.100 – 822.150  
 Stats. Implemented: ORS 822.100 – 822.150  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0040  
 Dismantler Violations Subject to Sanction**

A dismantler is subject to OAR 735-152-0050 if the dismantler:

(1) Commits the offense of improperly conducting a motor vehicle dismantling business for any of the reasons set forth in ORS 822.135.

(2) Allows a person who is not an employee of the dismantler to imply or represent an affiliation with the dismantler business in order to engage in any activity that would subject that person to dismantler certification and regulatory requirements.

(3) Fails to allow DMV to conduct an inspection.

(4) Fails to apply for a salvage title if required under ORS 819.016.

(5) Is issued notice that the dismantler’s bond under ORS 822.120 is canceled.

(6) Fails to pay any civil penalty imposed under ORS 822.133 and 822.137.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.100 – 822.150  
 Stats. Implemented: ORS 822.100 – 822.150  
 Hist.: MV 10-1991, f. & cert. ef. 8-20-91; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0045  
 Civil Penalty Consideration; Certified Dismantlers**

(1) A dismantler who violates the provisions of ORS 822.133 and 822.137 and any rule adopted by DMV relating to these provisions may incur, in addition to any other penalty or sanction provided by law, a civil penalty in an amount of not more than \$1,000 for each violation.

(2) DMV will assess a penalty amount determined by DMV to be appropriate for the particular violation. In determining an appropriate penalty amount, DMV may use the schedule set forth in OAR 735-152-0060 as a guideline and may consider the following:

- (a) The severity of the violation or its impact on the public;
- (b) The number of similar or related violations;
- (c) Whether a violation was willful or intentional;
- (d) The prior history of all civil penalties and sanctions imposed by DMV against the dismantler or principals of the dismantler business;

(e) The number of violations compared to the volume of transactions at the dismantler business; or

(f) Other circumstances determined by DMV to be applicable to the particular violation.

(3) Upon review of the criteria listed in section (2) of this rule, and prior to the issuance of a final order, DMV may reassess a civil penalty amount and agree to a civil penalty amount other than that assessed in the Notice of Imposition of Civil Penalty. After review of the criteria listed in section (2) of this rule DMV may:



- (a) Cancel, refuse to renew, or refuse to issue a certificate to any person who fails to pay a civil penalty assessed by DMV; or
- (b) Waive the imposition of a civil penalty, or modify the amount, and request that a dismantler attend specialized training, as determined by DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.100 – 822.150  
 Stats. Implemented: ORS 183.430, 822.100 – 822.150  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0050**

**Sanctions**

(1) DMV may impose sanctions when it determines a dismantler has violated provisions of the Motor Vehicle Code or rules promulgated by DMV relating to the operation of a dismantler business.

(2) Sanctions may be imposed against either or both of the following:

- (a) A dismantler’s certificate;
- (b) An owner, partner, corporate officer or other principal of the dismantler business.

(3) Factors DMV may consider when imposing a sanction include:

- (a) The severity of the violation or its impact on the public;
- (b) The number of similar or related violations;
- (c) Whether the violations were willful or intentional; and
- (d) Previous sanctions, civil penalties and warnings issued or imposed against the dismantler or principals of the dismantler business.

(4) DMV shall determine the sanction to impose when it determines violations have occurred or are occurring. These may include one or more of the following:

- (a) Verbal or written warnings, including correction notices.
- (b) A revocation of the dismantler certificate and the right to apply for a dismantler certificate for up to three years.

(c) Permanent revocation of the dismantler certificate and the right to apply for a dismantler certificate.

(d) Revocation of the right of a principal of a dismantler business to apply for a dismantler certificate or another vehicle related business, including a vehicle related business with a different business name.

(e) Permanent revocation of the right of a principal of a dismantler business to apply for a dismantler certificate or another vehicle related business, including a vehicle related business with a different business name.

(f) Cancellation of the dismantler certificate if it is determined the applicant or a principal of the business is ineligible for a dismantler certificate.

(g) Immediate suspension or cancellation as provided in ORS 822.145(2) upon receipt of a notice the dismantler’s bond under ORS 822.120 is canceled.

(h) Immediate suspension or cancellation for failure to pay a civil penalty imposed under ORS 822.133 and 822.137 and OAR 735-152-0045.

(5) A dismantler or principal whose business certificate or privileges are suspended, canceled or revoked is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(6) Except as provided in section (7) of this rule, a dismantler’s request for a hearing shall be submitted in writing to and received by DMV within 20 days of the date of the notice of the revocation or cancellation. A hearing request received in a timely manner shall result in a withdrawal of the revocation or cancellation pending the outcome of the hearing.

(7) In the instance of an immediate suspension or cancellation as provided by subsection (4)(g) or (h) of this rule, a dismantler’s request for a hearing shall be submitted in writing to and received by DMV within 90 days of the date the notice is issued. A hearing request received in a timely manner shall not result in a withdrawal of the suspension or cancellation pending the outcome of the hearing.

(8) In order for a request for hearing to be timely, the request must be postmarked or received by DMV within the time periods established in sections (6) and (7) of this rule. If the request for hearing is not timely received, the person waives their right to a hearing, except as provided in OAR 137-003-0528. The time periods will be computed as set forth in OAR 137-003-0520(8).

(9) When a timely request for a hearing is not received, the dismantler or principal will have defaulted, waived the right to a hearing and DMV’s file will then constitute the record of the case.

[Publications: Publications referenced are available from the agency.]  
 Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.100 – 822.150  
 Stats. Implemented: ORS 822.100 – 822.150  
 Hist.: MV 10-1991, f. & cert. ef. 8-20-91; DMV 23-2004, f. & cert. ef. 11-17-04; DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0060**

**Civil Penalty Matrix for Certified Dismantlers**

DMV may impose a civil penalty against a motor vehicle dismantler for any violation described under ORS 822.100 through 822.150 and DMV rules. DMV adopts this civil penalty matrix to determine civil penalty amounts that may be imposed against dismantlers for specific violations. DMV may modify a civil penalty assessed against a dismantler under the provisions of OAR 735-152-0045. Under this rule, an offense is a “second or subsequent offense” if a dismantler committed the same offense within three years of the offense under consideration.

(1) Fraudulently obtaining a dismantler certificate by submission of an application under OAR 735-152-0005 containing a false statement or omission of a material fact: \$1,000, for the first and subsequent violation(s).

(2) Failure to notify DMV of any change in the information provided to DMV in the application submitted under OAR 735-152-0005 within 30 days of the change:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(3) Failure to comply with any provision of ORS 822.137(2)(f) or OAR 735-152-0031 concerning dismantler motor vehicle records:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500.
- (d) For the fourth and subsequent violation(s): \$1,000.

(4) Failure to comply with any provision of ORS 822.137(2)(f) or OAR 735-152-0031 concerning dismantler major component part records:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500.
- (d) For the fourth and subsequent violation(s): \$1,000.

(5) Failure to comply with ORS 822.133(2)(b), concerning removing parts or destroying a motor vehicle prior to obtaining an ownership record for the vehicle:

- (a) For the first violation: \$500.
- (b) For the second and subsequent violation(s): \$1,000.

(6) Failure to comply with ORS 822.133(2)(a), by acquiring a motor vehicle or major component part without first obtaining a certificate of sale and, if applicable, a certificate of title:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500.
- (d) For the fourth and subsequent violation(s): \$1,000.

(7) Failure to comply with ORS 822.133(2)(a) and OAR 735-152-0025(3) concerning physically separating or visually labeling a wrecked vehicle:

- (a) For the first violation: \$250;
- (b) For the second violation: \$500.
- (c) For the third and subsequent violation(s): \$1,000.

(8) Failure to comply with ORS 822.137(2)(b), regarding the possession, sale or otherwise disposing of a motor vehicle or any part of a motor vehicle knowing that the vehicle or part has been stolen: \$1,000 for the first violation and subsequent violation(s).

(9) Failure to comply with ORS 822.137(2)(c), regarding selling, buying, receiving, concealing, possessing or disposing of a motor vehicle or any part of a motor vehicle having a missing, defaced, intentionally altered or covered vehicle identification number, unless directed to do so by a law enforcement official: \$1,000 for the first violation and subsequent violation(s).

(10) Failure to comply with ORS 822.137(2)(d) by committing a forgery in the second degree, as defined in ORS 165.007, or misstat-

ing a material fact relating to a certificate of title, registration or other document related to a motor vehicle that has been reassembled from parts of other motor vehicles: \$1,000 for the first violation and subsequent violation(s).

(11) Failure to comply with ORS 822.137(2)(e) by fraudulently creating or modifying a dismantler certificate: \$1,000 for the first violation and subsequent violation(s).

(12) Failure to comply with ORS 822.137(2)(h) concerning a dishonest act or omission during the sale of a motor vehicle or major component part that, as determined by DMV, causes a loss to the purchaser: \$1,000 for the first violation and subsequent violation(s).

(13) Failure to comply with ORS 822.137(2)(i) concerning being convicted of a crime involving false statements or dishonesty that directly relates to the business of the dismantler or suffers any civil judgment imposed for conduct involving fraud, misrepresentation or conversion: \$1,000 for the first violation and subsequent violation(s).

(14) Failure to comply with ORS 822.133(2)(e) and OAR 735-152-0034 concerning furnishing DMV with a written report, in a form established by DMV by rule, after a wrecked vehicle is dismantled or destroyed:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

(15) Failure to comply with ORS 822.133(2)(c) concerning failure to demolish the registration plates of a wrecked vehicle at the time the ownership record is received:

- (a) For the first violation: warning;
- (b) For the second violation: \$250;
- (c) For the third violation: \$500;
- (d) For the fourth and subsequent violation(s): \$1,000.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.115, 822.125, 822.130, 822.135 Ch. 514, 654, OL 2005  
 Stats. Implemented: ORS 183.430, 822.115 - 822.135 & Ch. 514, 654, OL 2005  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0070**

**Civil Penalty Considerations; Acting as a Dismantler Without a Certificate**

Any person not issued a dismantler certificate under ORS 822.110, who violates the Oregon Vehicle Code or any DMV rule relating to the dismantling of motor vehicles, will incur, in addition to any other penalty provided by law, a civil penalty not to exceed \$5,000 for each vehicle:

(1) DMV will assess penalties in accordance with the schedule set forth in OAR 735-152-0080.

(2) The Business Regulation Section of DMV may evaluate the amount of a civil penalty assessed in individual cases and may agree to payment of an amount other than originally assessed. In making such an evaluation, the Business Regulation Section may consider:

- (a) The severity of the violation or its impact on the public;
- (b) The number of similar or related violations;
- (c) Whether the violations were willful or intentional; and
- (d) Any other consideration DMV deems appropriate.

(3) DMV will refuse to issue a certificate under ORS 822.110 or to renew a certificate under ORS 822.110 to any person who fails to pay a civil penalty.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.100 - 822.150  
 Stats. Implemented: ORS 183.430 & 822.100 - 822.150  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0080**

**Schedule of Violation Penalties, Unlicensed Dismantler**

(1) In addition to any other penalty provided by law, the following civil penalty schedule applies to persons acting as a dismantler without a current dismantler certificate, including a dismantler who sells a vehicle while the dismantler's certificate is expired, suspended, cancelled, or revoked.

(2) This schedule does not apply to a person or dismantler exempt from dismantler certification requirements pursuant to ORS 822.105.

- (3) Civil penalties under this schedule are assessed as follows:
  - (a) For the first offense: \$2,500 per vehicle;
  - (b) For the second and subsequent offenses: \$5,000 per vehicle.

(4) DMV may reduce a civil penalty assessed under subsection (3)(a) of this rule if:

(a) The person or dismantler applies for and is issued a dismantler certificate under ORS 822.110 or a certificate renewal under ORS 822.125, within 30 days of the date of notice of imposition of civil penalty for acting as dismantler without a certificate; or

(b) A hearing is requested and held in accordance with ORS Chapter 183, and within 30 days of issuance of a final order upholding the penalty, the person files with DMV a completed dismantler application that meets Oregon requirements for licensure.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.100 - 822.150  
 Stats. Implemented: ORS 183.430 & 822.100 - 822.150  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**735-152-0090**

**Contested Case Hearings and Disposition**

(1) The Business Regulation Section of DMV may, in accordance with ORS 183.415(5), make an informal disposition of any contested case prior to the conclusion of any hearing, resulting from a sanction or civil penalty assessed under OAR chapter 735, division 152. This disposition may include a stipulation, agreed settlement, consent order or default order.

(2) An informal disposition by stipulation, agreed settlement or consent order must be in writing, signed by any party to the contested case and incorporated into the final order.

(3) The administrative law judge presiding at a contested case hearing may not adjust the amount of a civil penalty imposed by DMV under OAR 735-152-0045 or 735-152-0070.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.100 - 822.150  
 Stats. Implemented: ORS 183.430 & 822.100 - 822.150  
 Hist.: DMV 32-2005(Temp), f. 12-14-05, cert. ef. 1-1-06 thru 6-29-06; DMV 4-2006, f. & cert. ef. 5-25-06

**DIVISION 154**

**TOWING BUSINESSES**

**735-154-0000**

**Regulations Governing Towing and Recovery Businesses**

(1) Failure to meet or maintain any of the requirements of ORS 822.200 to 822.215 or OAR 735-154-0000 through 735-154-0050 relating to a towing or recovery business shall be cause to deny, suspend, revoke or refuse to issue or renew a towing business certificate.

(2) Definitions for the purposes of OAR 735-154-0000 through 735-154-0050 are as follows:

(a) As used in ORS 822.200(1)(c), "purports...to be engaged in..." means to solicit or advertise towing services through the telephone book, business directory, newspaper, radio, television, posting on vehicles, signs, business, billboards or by any other means;

(b) A "towing or recovery vehicle" means any motor vehicle used by any person(s) for the purpose of towing or recovering of vehicles;

(c) "Towing business certificate" or "certificate" means the vehicle registration card containing distinctive language indicating it is a certificate issued in conjunction with the vehicle registration, for towing or recovery services;

(d) "Distinctive plate" means the prescribed Oregon registration plate format with a five-digit identification number and two letter prefix "TW" indicating a tow or recovery vehicle; and

(e) "Stickers" means month and year stickers of a type in current use by the Driver and Motor Vehicle Services Division of the Department of Transportation to indicate staggered registration dates.

Stat. Auth.: ORS 802.010, 822.205 & 822.215  
 Stats. Implemented: ORS 822.215  
 Hist.: MV 14-1981, f. 10-30-81, ef. 11-1-81; MV 15-1982, f. & ef. 9-23-82; MV 15-1983, f. & ef. 12-5-83; Administrative Renumbering 3-1988, Renumbered from 735-071-0100; MV 21-1991, f. & cert. ef. 9-18-91

**735-154-0005**

**Authority of Towing Business to Issue 10-day Trip Permits**

(1) A towing business may issue 10-day trip permits as provided in ORS 803.600, if the towing business:

- (a) Submits a completed and signed Agreement to Issue Oregon Trip Permits (DMV Form 7115) to DMV; and

(b) Agrees to abide by the Oregon statutes and administrative rules relating to the issuance and sale of 10-day trip permits, including but not limited to ORS 803.600 and OAR 735-034-0010.

(2) DMV may revoke the authority of a towing business to issue 10-day trip permits if the towing business fails to comply with the requirements of ORS 803.565 and OAR 735-034-0010.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 803.600, 822.205 & 822.215  
 Stats. Implemented: ORS 822.215 & Ch. 600, OL 2003  
 Hist.: DMV 28-2003(Temp), f. 12-15-03 cert. ef. 1-1-04 thru 6-28-04; DMV 9-2004, f. & cert. ef. 5-24-04

**735-154-0010 Requirements for Towing Business Certificate**

(1) In addition to meeting the requirements for an application for a towing business certificate under ORS 822.200 to 822.215 or a renewal under ORS 822.210, an applicant for a towing vehicle certificate must submit the following to the DMV for each tow vehicle:

- (a) A completed and signed Application for Tow or Recovery Vehicle Business Certificate (DMV Form 735-387);
- (b) An application for title and registration, if titling and registering a vehicle;
- (c) An application for registration, if only registering a vehicle; and
- (d) All applicable fees.

(2) At the time that a tow or recovery vehicle is transferred or no longer operates as a tow or recovery vehicle, the towing business certificate, plates and stickers issued to the vehicle must be surrendered to DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.205 & 822.215  
 Stats. Implemented: ORS 822.205  
 Hist.: MV 14-1981, f. 10-30-81, ef. 11-1-81; MV 15-1982, f. & ef. 9-23-82; Administrative Renumbering 3-1988, Renumbered from 735-071-0105; MV 21-1991, f. & cert. ef. 9-18-91; DMV 5-2006, f. & cert. ef. 5-25-06

**735-154-0040 Minimum Safety Standards**

(1) At the time of original application, the applicant shall certify the tow or recovery vehicle is in compliance with the minimum safety standards required by this rule. These standards only apply to tow and recovery vehicles registered under OAR 735-154-0000 through 735-154-0050.

(2) The Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) may make random safety-related inspections without notice to ensure compliance.

(3) No motor vehicle shall be used for tow or recovery services unless the following safety requirements are met:

- (a) The vehicle is in compliance with equipment and lighting requirements of the Oregon Revised Statutes;
- (b) The vehicle is in compliance with **Title 49 Code of Federal Regulations, Parts 570.4, 570.5, 570.6, 570.7 (except paragraph “d”), 570.8, 570.9, 570.10, 570.54, 570.55, 570.56, 570.57, 570.58, 570.59 (except the combination of vehicles and truck tractors must stop in a distance of not more than 35 feet), 570.60 (except paragraph “d”), 570.61, 570.62 and 570.63.**

(4)(a) Cables or wire ropes shall have a minimum diameter of 3/8 inch and be free from the following defects or conditions:

- (A) More than six randomly-distributed broken wires in one rope lay, or more than three broken wires in any one strand in one rope lay;
- (B) Evidence of any heat damage from any cause;
- (C) Core protrusion along the main length of the cable unless tension applied to the cable restores proper rope structure;
- (D) End attachments that are cracked, deformed, worn or loosened.

(b) Where a wire rope is attached to a hook with clamps instead of being swagged, a minimum of three clamps shall be used. Clamps shall be spaced at least six rope diameters apart and attached with the base or saddle of the clamp against the longer or “live” end of the rope. The “U-bolt” shall be placed over the short or “dead” end of the rope.

(5) All booms, lift equipment, hydraulic hoses, connections, and any other equipment mounted or used on the tow or recovery vehicle shall be maintained in proper working order as recommended by the manufacturer of the equipment.

(6) All equipment, cable or wire rope, connectors, slings, or any other tow or recovery equipment used in conjunction with the basic vehicle and vehicle-mounted equipment shall be commensurate with

the manufacturer’s basic load and boom rating for each vehicle or vehicle-mounted equipment.

[Publications: Publications referenced are available from the agency.]  
 Stat. Auth.: ORS 802.010, 822.205 & 822.215  
 Stats. Implemented: ORS 822.205  
 Hist.: MV 14-1981, f. 10-30-81, ef. 11-1-81; MV 15-1982, f. & ef. 9-23-82; Administrative Renumbering 3-1988, Renumbered from 735-071-0120; MV 21-1991, f. & cert. ef. 9-18-91

**735-154-0050 Inspection of Vehicles**

(1) Every tow or recovery business shall make their vehicles available for inspection by authorized representatives of the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) upon request during reasonable business hours.

(2) No DMV representative may inspect a vehicle when the inspection would cause a disruption of normal business.

(3) No DMV representative may road-test any vehicle or remove any wheels in the course of an inspection.

(4) A DMV representative, when there is cause, may require the owner or a designee, to road-test a vehicle or require the removal of a wheel or wheels by a mechanic of the owner’s choice.

Stat. Auth.: ORS 802.010, 822.205 & 822.215  
 Stats. Implemented: ORS 822.215  
 Hist.: MV 14-1981, f. 10-30-81, ef. 11-1-81; MV 15-1982, f. & ef. 9-23-82; Administrative Renumbering 3-1988, Renumbered from 735-071-0125; MV 21-1991, f. & cert. ef. 9-18-91

**735-154-0060 Lessee as Owner on Leased Tow or Recovery Vehicle**

Notwithstanding ORS 801.375(1)(b) and 803.050, the lessee shall appear as owner on the Certificate of Title for a vehicle when:

- (1) Application for a towing business certificate is made and the vehicle is engaged in any towing or recovery business operation; and
- (2) Special tow or recovery plates or identification devices are issued in conjunction with the vehicle registration.

Stat. Auth.: ORS 801.375, 802.010, 803.050, 805.200, 822.205, 822.210 & Ch. 551, OL 1991  
 Stats. Implemented: ORS 801.375 & 803.050  
 Hist.: MV 30-1991, f. & cert. ef. 12-16-91

**DIVISION 158**

**VEHICLE APPRAISERS**

**735-158-0000 Vehicle Appraiser Certificate**

(1) An applicant for a vehicle appraiser certificate or renewal under ORS 819.230 must submit the following to the DMV Business Regulation Section:

- (a) A completed and signed DMV Application for Vehicle Appraiser Certificate;
- (b) All applicable fees; and
- (c) Proof of two years combined work experience as a vehicle appraiser:

(A) For a new or used car business, tow business, insurance company, vehicle body repair business, law enforcement or a state or local jurisdiction; or

(B) In the operation or employment of a certified vehicle dismantler business.

(2) DMV will deny issuance or renewal of a vehicle appraiser certificate if:

(a) DMV determines the applicant was convicted of a felony or misdemeanor related to fraud, dishonesty or moral turpitude, if the conviction occurred less than three years before the date of application; or

(b) DMV determines the application contains false or misleading information.

(3) DMV will not process an application that is incomplete. An incomplete application and the fees submitted with the application will be returned to the applicant.

(4) Unless suspended or revoked, a vehicle appraiser certificate expires two years from the date of issuance.

(5) Failure to comply with any applicable statute or rule pertaining to a vehicle appraiser certificate is grounds to deny issuance, revoke, suspend or refuse to renew a vehicle appraiser certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 819.230

Stats. Implemented: ORS 819.210, 819.220, 819.230, 822.700  
 Hist.: MV 25-1981(Temp), f. & ef. 12-1-81; MV 13-1982, 5-28-82, ef. 6-1-82; MV 27-1986, f. 12-31-86, ef. 1-1-87; Administrative Renumbering 3-1988, Renumbered from 735-071-0078; DMV 7-2002(Temp), f. 3-14-02, cert. ef. 3-18-02 thru 9-13-02; DMV 13-2002, f. & cert. ef. 6-24-02; DMV 16-2006, f. & cert. ef. 11-17-06

**DIVISION 160**

**DRIVER TRAINING**

**735-160-0003**

**Purpose and Exemptions**

(1) The purpose of chapter 735, division 160 rules is to outline the requirements for a Commercial Driver Training School Certificate pursuant to ORS 822.515 and a Driver Training Instructor Certificate pursuant to ORS 822.530.

(2) Except as provided in ORS 822.500(2) and section (4) of this rule a person must obtain a Commercial Driver Training School Certificate to operate, for consideration, a business or non-profit enterprise engaged in educating and training persons in the driving of motor vehicles, either practically or theoretically or both.

(3) Except as provided in ORS 822.525(2) and section (4) of this rule, a person must obtain a Driver Training Instructor Certificate if, for compensation, the person teaches, conducts classes, gives demonstrations to or supervises practice in the driving of motor vehicles. This section applies to persons acting on their own behalf, or acting as an operator of or on behalf of, any business, nonprofit enterprise, or school engaged in educating and training persons in the driving of motor vehicles, either practically or theoretically or both.

(4) The following persons are exempt from the requirement to obtain either a Commercial Driver Training School Certificate or a Driver Training Instructor Certificate.

(a) The operator of, or a person acting on behalf of, a business or non-profit enterprise engaged in educating and training persons for a profession;

(b) The operator of, or person acting on behalf of, an accredited secondary school, college or university; or

(c) A person that provides limited driver education or training for a specialized purpose.

(5) For purposes of ORS 822.500, 822.525 and this rule, the following are persons who provide limited driver education or training for a specialized purpose:

(a) A rehabilitation specialist engaged in evaluating, assessing or retraining drivers to compensate for a physical or mental condition or impairment.

(b) A provider of a DMV approved accident prevention course offered primarily for insurance discount purposes pursuant to ORS 742.490.

(c) A provider who teaches specialized driving skills to drivers of emergency vehicles as defined by ORS 801.260.

(d) An operator or employee of a business, non-profit enterprise or school who provides defensive driving training to employees of the business, nonprofit enterprise or school who hold valid driver licenses.

(e) A federal, state, county or city agency that provides driver safety training to members of the public who hold valid driver licenses, including, but not limited to teaching people how to drive in adverse weather conditions, a safe-driving program or a motorcycle safety program.

(f) A provider of off-the-highway instruction in the operation of off-road racing vehicles to persons holding valid driver licenses.

(g) A provider of off-the-highway instruction in the operation of off-road all terrain vehicles (ATVs).

(h) Providers of training conducted exclusively over the internet, if no classroom or behind-the-wheel training is conducted at any physical location in Oregon.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.500 & 822.525  
 Stats. Implemented: ORS 822.500, 822.515, 822.525 & 822.530  
 Hist.: DMV 25-2005, f. 12-14-05 cert. ef. 1-1-06

**735-160-0005**

**Definitions**

The following definitions apply to terms in chapter 735, division 160 rules.

(1) "Behind-the-wheel" instruction means the portion of the training that requires the student to be located in the automobile.

(2) "Cancellation" in regards to a School Certificate or Instructor Certificate means to declare a School Certificate or Instructor Certificate void with a new certificate obtainable only as defined in OAR 735-160-0115(12).

(3) "Code of Ethics and Rules of Conduct Violation" means any violation of the standards established by OAR 735-160-0130.

(4) "Commercial Driver Training School" or "School" means a privately or publicly owned driver training facility in Oregon that has been issued a School Certificate by DMV to provide student drivers behind-the-wheel instruction, classroom instruction or both, for a fee.

(5) "Commercial Driver Training School Operator" or "Operator" means the person designated on the School Certificate as the representative responsible for the operation of a Commercial Driver Training School certified by DMV.

(6) "Commercial Driver Training School Instructor" or "Instructor" means a person issued an Instructor Certificate by DMV who is an employee of a Commercial Driver Training School, and who teaches, conducts classes, gives demonstrations or supervises the practice of student drivers.

(7) "Corrected School Certificate" or "Corrected School" means a certificate issued based on an application submitted by an Operator to:

- (a) Correct or change a school name or address; or
- (b) Correct or change the person designated as the school's Operator.

(8) "Corrected Instructor Certificate" means a certificate issued based on an application submitted by an Instructor to:

- (a) Correct or change the name or address of the school employing the Instructor; or
- (b) Correct or change the Instructor's name.

(9) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(10) "Employee" means an individual who may or may not provide services for the school for compensation. For purposes of these rules, this definition includes an independent contractor.

(11) "Instructor Certificate" means a certificate issued by DMV as provided in ORS 822.530 to a Commercial Driver Training School Instructor to provide, for a fee, student drivers behind-the-wheel instruction, classroom instruction, or both.

(12) "Instructor Card" means a Card issued to an Instructor certified by DMV as evidence of Instructor certification.

(13) "Jurisdiction" means a state, territory, or possession of the United States, the District of Columbia, a territory or province of Canada, any state of the Republic of Mexico or the Federal District of Mexico or foreign government that has legal authority to issue driver licenses.

(14) "Permanent classroom facility" means a classroom used on a continuing, ongoing basis.

(15) "Revocation" means the termination of the authority granted under a School Certificate or an Instructor Certificate for a specified period, with a new certificate obtainable only as defined under 735-160-0115(11).

(16) "School Certificate" means a certificate issued by DMV as provided in ORS 822.515 to a Commercial Driver Training School Operator.

(17) "Student driver" means a person who is receiving classroom or behind-the-wheel instruction, or both, at a Commercial Driver Training School.

(18) "Supplemental School Certificate" means a certificate issued by DMV that authorizes a school to operate, under the same business name, at an additional business location that is 500 or more feet beyond any other authorized business location of the school. An additional business location includes a location where business records are kept and business activities are conducted but does not include a location where only instruction is provided.

(19) "Suspension" means the temporary withdrawal for a specified period of time of the authority to conduct business or perform instructional activities granted under a School Certificate or an Instructor Certificate.

(20) "Traffic crime" means a conviction under Oregon statute or city ordinance, or a comparable statute or city ordinance of any other jurisdiction, for any misdemeanor or felony involving the use of a motor vehicle that may result in a jail sentence.

(21) "Warning" means a written correction notice issued by DMV to the Operator or an Instructor of a Commercial Driver Training School that requires corrective action be taken as specified by DMV.  
 Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.515 & 822.530  
 Stats. Implemented: ORS 822.515  
 Hist.: MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0010**

**Commercial Driver Training School Operator Qualifications**

(1) No Operator shall be issued a School Certificate, Supplemental School Certificate, or a Corrected School Certificate or be allowed to renew or maintain a School Certificate unless the Operator of the school is at least 21 years of age and meets the qualification requirements of sections (2) through (6) of this rule.

(2) An Operator must not have a conviction for any of the following crimes:

(a) A traffic crime as defined by ORS 801.545 and OAR 735-160-0005(20). This subsection does not apply if the conviction occurred more than five years preceding the date an application for a School Certificate or Corrected School Certificate is submitted to DMV;

(b) Kidnapping or custodial interference as defined in ORS 163.225 through 163.257;

(c) Any sexual offense, with or without force, any offense related to child pornography or any offense compelling or promoting prostitution;

(d) Any crime involving injury or threat of injury to another person;

(e) Any crime involving theft, forgery, fraud, falsifying or tampering with records, or racketeering; or

(f) Any crime relating to the unlawful possession, use, sale, manufacture or distribution of controlled substances or alcoholic beverages.

(3) An applicant who has been convicted of one of the crimes listed in section (2) of this rule may include an explanation or evidence of intervening circumstances since the conviction. DMV will determine if the intervening circumstances of the conviction are such that the conviction does not affect the person's fitness to operate a Commercial Driver Training School.

(4) An Operator must not engage in conduct that is substantially related to the person's fitness to be an Operator or that demonstrates unfitness and inability to perform the responsibilities of an Operator. DMV will determine if the person is fit to perform the responsibilities of an Operator or if the person poses a risk to the safety of others while performing those responsibilities from the facts of the conduct, and the intervening circumstances known to DMV.

(5) An Operator must not be the operator of any school in Oregon whose School Certificate is currently suspended for an offense described in OAR 735-160-0010(2). An Operator must not be the operator of any school in Oregon whose School Certificate is currently revoked, canceled, or withdrawn unless the operator has completed the terms of their sanction according to OAR 735-160-0125 and meets all eligibility requirements of OAR 735-160-0010.

(6) An Operator must not have been the operator of any school in another jurisdiction that has been suspended, revoked, canceled, or withdrawn for the same or a similar offense as described in OAR 735-160-0010(2) within five years preceding the date of application for a School Certificate or Corrected School Certificate. DMV will review the results of an operator's criminal history to determine whether the offense is applicable.

(7) A School Certificate may be subject to suspension, revocation, or cancellation as described in OAR 735-160-0115 if an Operator fails to remain qualified as prescribed under this rule.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.500, 822.515 & 822.530  
 Stats. Implemented: ORS 822.500 & 822.515  
 Hist.: MV 43, f. & ef. 12-8-69; MV 6-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-051-0010; MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0011**

**Issuance of Original Commercial Driver Training School Certificate**

DMV will not issue a School Certificate until the following requirements are met:

(1) An Operator must apply for an original School Certificate pursuant to ORS 822.515 and must:

(a) Submit a written application on a form or in a format provided or established by DMV;

(b) Meet the qualifications listed in OAR 735-160-0010;

(c) Submit a release authorizing DMV to obtain the Operator's computer criminal history (CCH) from the Oregon State Police;

(A) If the Operator wishes to challenge the accuracy or completeness of information on the CCH provided by the Oregon State Police, the Operator must follow the procedures set forth in OAR 257-010-0035. DMV does not have authority to change any information on a CCH.

(B) If the Operator successfully contests the accuracy or completeness of information on the CCH provided by the Oregon State Police, DMV will re-evaluate the application if the Operator submits a release authorizing DMV to obtain a new CCH.

(C) Criminal history records will only be used to determine Operator qualifications and will be kept confidential and not released to any person unless DMV determines a record, or any portion thereof, must be released pursuant to the Public Records Law, ORS 192.410 to 192.505, or the Attorney General or a court orders disclosure in accordance with the Public Records Law.

(d) Submit a School bond that complies with the requirements of ORS 822.505, on a form prescribed by DMV, and certify that a bond will remain in effect as long as the School Certificate is valid;

(e) Submit proof of insurance that complies with the requirements of ORS 822.510, on a form provided or established by DMV. The Operator shall certify that insurance will remain in effect as long as the School Certificate is valid;

(f) Submit the fee required under ORS 822.700; and

(g) Register the business name with the Secretary of State, Corporation Division.

(2) The business location of the School must comply with the requirements of OAR 735-160-0020.

(3) Once issued, a School Certificate is not transferable to any other commercial driver training school.

(4) Failure to maintain any of the requirements as prescribed under this rule will result in suspension, revocation, or cancellation of the School Certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.505, 822.510 & 822.515  
 Stats. Implemented: ORS 822.500, 822.510 & 822.515  
 Hist.: DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0012**

**Renewal Commercial Driver Training School Certificate and Application**

(1) An Operator must apply for renewal of a School Certificate pursuant to ORS 822.515 and must:

(a) Submit a written application on a form or in a format provided or established by DMV;

(b) Submit a release authorizing DMV to obtain the Operator's computer criminal history (CCH) from the Oregon State Police. The provisions of OAR 735-160-0011(1)(c) apply to a CCH obtained for renewal of a School Certificate;

(c) Submit a School bond that complies with the requirements of ORS 822.505 on a form prescribed by DMV, unless the school's current bond remains valid for the full renewal period. The Operator shall certify that a bond will remain in effect as long as the school certificate is valid;

(d) Submit proof of insurance that complies with the requirements of ORS 822.510 on a form prescribed by DMV. The Operator shall certify that insurance will remain in effect as long as the School Certificate is valid;

(e) Submit the fee required under ORS 822.700; and

(f) Meet the qualifications listed in OAR 735-160-0010.

(2) Failure to maintain any of the requirements for a School Certificate will result in suspension, revocation or cancellation of the School Certificate according to OAR 735-160-0115.

(3) An Operator must submit to DMV a renewal application, supporting documents and payment for a School Certificate no later than the expiration date stated in ORS 822.515(4)(a). DMV will provide a grace period of 45 days for the application to be processed and for the Operator to display the new School Certificate. A renewal application that is received after the expiration date of the existing School Certificate will be treated as an application for an original School Certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.505, 822.510 & 822.515  
 Stats. Implemented: ORS 822.500, 822.510 & 822.515  
 Hist.: DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0013**

**Refusal to Issue or Renew Commercial Driver Training School Certificate**

- (1) DMV will not issue or renew a School Certificate if:
  - (a) The application is incomplete or information contained in the application is determined by DMV to be false;
  - (b) The Operator does not meet the qualification requirements as set forth in OAR 735-160-0010;
  - (c) The School Certificate and right to apply for a School Certificate is suspended or revoked in Oregon; or
  - (d) The School does not meet the qualifications or requirements set forth in Chapter ORS 822 and OAR chapter 735, division 160 rules.

(2) If DMV refuses to issue or renew a School Certificate, DMV will notify the Operator in writing. The Operator may request a contested case hearing. The hearing shall be conducted in accordance with the applicable provisions of the Administrative Procedures Act, ORS 183.310 to 183.540 and is subject to the following:

- (a) A request for hearing must be submitted in writing to and received by DMV within 20 days of the date the refusal notification is mailed to the Operator. DMV will not issue a School Certificate pending the outcome of the contested case hearing. If DMV refuses to renew a School Certificate, the expired School Certificate shall remain valid pending the outcome of the contested case hearing, unless the basis for the refusal is failure to provide or maintain a School bond or provide proof of insurance, as required, or DMV determines continued operation of the School would constitute a serious danger to the public health or safety.
- (b) Failure to timely request a hearing constitutes waiver of the right to a hearing and no School Certificate will be issued or renewed until the requirements of ORS 822.500 to 822.515 and the division 160 rules are satisfied.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.515  
 Stats. Implemented: ORS 822.515  
 Hist.: DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0015**

**Commercial Driver Training School Operator Responsibilities**

- (1) An Operator shall:
  - (a) Notify DMV by mail or facsimile within 10 days (excluding weekends and state holidays) of any of the following:
    - (A) The location of any permanent classroom facility changes;
    - (B) The School goes out of business and ceases operations;
    - (C) The Operator no longer meets or maintains the qualifications set forth in OAR 735-160-0010;
    - (D) The School does not maintain the requirements set forth in OAR 735-160-0011;
    - (E) An Instructor whose employment with the school has terminated; or
    - (F) An Instructor employed by the school who no longer meets or maintains the qualifications, responsibilities or requirements set forth in OAR 735-160-0075, 735-160-0080, and 735-160-0095, including an explanation of why the Instructor no longer meets the qualifications, responsibilities, or requirements.
  - (b) File an application with DMV for a Corrected School Certificate within 10 calendar days if the name or address of the School changes or the School Operator's name changes. If the name of the School changes, the Operator must submit bond and insurance documents in the new business name within thirty (30) days;
  - (c) Make any and all business records, vehicles and facilities related to the operation of the school available for inspection by a DMV inspector in accordance with OAR 735-160-0030. DMV may conduct an inspection with or without prior notice to the school Operator;
  - (d) Establish procedures that reasonably insure no Instructor or student is under the influence of any intoxicant during classroom or behind-the-wheel instruction;
  - (e) Provide student with a copy of, or prominently display in a publicly accessible and conspicuous manner, a complaint procedure that includes DMV contact information;
  - (f) Comply with all statutes, administrative rules, and regulations related to the operation of a Commercial Driver Training School;
  - (g) Adhere to the Code of Ethics and Rules of Conduct set forth in OAR 735-160-0130;

(h) Authorize only a person that has been issued an Instructor Certificate, who is employed by the school, to provide classroom or behind-the-wheel instruction to a student driver;

- (i) Notify DMV by facsimile or mail within 24 hours (excluding weekends and state holidays) of any:
  - (A) Notice of a civil legal action filed against the school, Operator or an Instructor which is related to school operations; or
  - (B) Criminal investigation, arrest or conviction for an offense described in OAR 735-0160-0010(2); and
  - (j) If requested, respond to DMV by mail or facsimile within 10 calendar days (excluding weekends and state holidays) to any complaint received by DMV.

- (2) An Operator shall not:
  - (a) Falsify or tamper with any records;
  - (b) Act as a Commercial Driver Training Instructor unless the Operator has been issued an Instructor Certificate by DMV;
  - (c) Transfer a School Certificate to any other school or operator;
  - (d) Knowingly assist a person to fraudulently obtain driving privileges from DMV; or
  - (e) Permit an Instructor who works for the school to:
    - (A) Provide classroom or behind-the-wheel instruction to any student driver who is not enrolled in the school. This subsection does not apply to instruction given by an Instructor to his or her immediate family members;
    - (B) Conduct any behind-the-wheel instruction with any student driver not in possession of a valid driver license or instruction permit;
    - (C) Provide behind-the-wheel instruction to any student driver on a driving route specifically used by DMV to test applicants for Oregon driving privileges;
    - (D) Provide questions and answers that are identical to a DMV knowledge test during classroom training; or
    - (E) Allow any instructor who does not have current, valid driving privileges to conduct behind-the-wheel instruction.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.505, 822.510, 822.515 & 822.530  
 Stats. Implemented: ORS 822.505, 822.510 & 822.515  
 Hist.: MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0020**

**Location and Advertising**

- (1) No School shall have a business location closer than 1,500 feet to any DMV office, unless it has continuously operated in that location prior to the opening of the DMV office.
- (2) No school shall provide classroom or behind-the-wheel instruction, and be operated from a liquor store, bar, tent, temporary stand, temporary address, mailing service, or through a telephone answering service.
- (3) Every school shall have a business location in Oregon having at least one structure where records required to be maintained are kept and made available for DMV inspection. The business location must be listed on the School Certificate.
- (4) A Commercial Driver Training School with more than one business location must apply, on a form supplied by DMV, and be issued a Supplemental School Certificate for each additional business location not listed on the School Certificate. A supplemental business location must be 500 or more feet from any other business location of the school and must operate under the same business name as that listed on the School Certificate.
- (5) If the business location changes, the School must be issued a Corrected School Certificate before business may be conducted at the new location. If the name of the school changes, the school must obtain a Corrected School Certificate and Corrected Supplemental School Certificate for each business location before business may be conducted under the new name.
- (6) A copy of the Oregon Vehicle Code and the Oregon Administrative Rules relating to driver licensing must be maintained at each business location and supplemental business location of the school and must be made available for view by the public upon request.
- (7) The following advertising practices must be followed:
  - (a) No advertisement, publication, employee or other person affiliated with the school shall indicate or imply that enrollment in the school guarantees issuance of driving privileges;
  - (b) No employee or other person affiliated with the school shall solicit business or cause business to be solicited on its behalf or display or distribute any advertising material within 1,500 feet of any DMV

office, unless the business location of the school is within 1,500 feet as authorized under section (1) of this rule;

(c) School forms, agreements, advertising and business premises signs may say: "This school is certified by the State of Oregon." There shall be no suggestion, either express or implied, in any form, agreement, advertisement, publication, business solicitation, or business sign that the school is endorsed or recommended by the State of Oregon or any agency of the State;

(d) Only the business location or supplemental business location address as it appears on the School Certificate or Supplemental School Certificate may be included in any advertisement or business solicitation;

(e) No advertisement, publication, or business solicitation shall be false, deceptive, or misleading and no employee or other person affiliated with the school shall disseminate false, deceptive, or misleading information about the school or authorize others to do the same;

(f) Only the school name as it appears on the current School Certificate may be used in any publication, form, advertisement, business solicitation, or sign; and

(g) No advertisement, publication, employee, or other person affiliated with the school shall knowingly encourage persons who are not domiciled in or residents of Oregon to apply for Oregon driving privileges.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.515

Stats. Implemented: ORS 822.515

Hist.: MV 43, f. & ef. 12-8-69; MV 6-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-051-0015; MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

### 735-160-0030

#### Commercial Driver Training School Records

(1) The records of all student drivers enrolled in any class or course offered by the school must be retained as set forth in this rule, including the records of those student drivers who withdrew or were terminated from the school.

(2) A student driver record must contain, but is not limited to the following:

(a) The complete name of the student driver;

(b) The driver license or instruction permit number of the student driver and the name of the state that issued the license or permit if available;

(c) The name and Instructor Certificate number of each Instructor who provided training;

(d) Number of hour(s), date(s) of service, and type of training (behind-the-wheel or classroom) participated in by the student driver;

(e) All written contracts or agreements, signed by the student driver; and

(f) A copy of the school grievance procedure for handling student or parent complaints, unless grievance procedure is posted in accordance with 735-160-0015(1).

(3) The records of all school instructors, including current and past instructors must be retained as set forth in this rule. An instructor record must contain:

(a) The instructor's driver license number, date(s) of employment with the school, job application or resume; and

(b) A copy of the Instructor Certificate issued by DMV to the instructor.

(4) Maintain a monthly listing containing information from OAR 735-160-0030(2)(a), (b), (c) and (d) (above) for students that participated in driver training. This list must be made available to DMV upon request.

(5) The original student driver records, instructor records and any records documenting compliance with any statutes or administrative rules must be maintained as originals in paper format or electronically for a period of three years at the business location, or may be kept at a supplemental business location certified by DMV if the records relate to student drivers or instructors at the supplemental location. For good cause shown or upon a showing of a business necessity, DMV, in its sole discretion, may authorize an operator to maintain the school records at another location within the State of Oregon.

(6) Instructor records must be maintained permanently for current employees. After employee separation, instructor records must be kept for an additional three years after the separation date.

(7) All records must be made available to DMV within 5 (five) business days of request, excluding weekends and state holidays.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.515

Stats. Implemented: ORS 822.515

Hist.: MV 43, f. & ef. 12-8-69; MV 6-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-051-0020; MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

### 735-160-0035

#### Inspection and Investigation

(1) DMV will periodically inspect a school to determine it is complying with all laws and administrative rules pertaining to Commercial Driver Training Schools, including Instructor certification and operation requirements.

(2) All records subject to this rule must be available for inspection by an authorized representative(s) of DMV. DMV may conduct a random inspection of the business premises, records, or equipment of a School to review compliance with Oregon statutes and administrative rules. Although DMV will normally arrange an appointment prior to inspection, no notice may be given to the Operator prior to the random inspection. The Operator must consent to and fully cooperate with the inspection.

(3) Inspections may include examination of:

(a) All student driver records regardless of whether the student driver completed or failed to complete the school's driver training program;

(b) The records of current or former Instructors employed by the school;

(c) Any motor vehicles used for training student drivers, to ensure that the vehicles meet the equipment standards of OAR 735-160-0040;

(d) Any curriculum and instructional materials used to teach or demonstrate how to drive; and

(e) Those facilities, records, or equipment DMV deems necessary to inspect, in its discretion, to ensure that the School is complying with all applicable provisions of law.

(4) Refusal to permit DMV to conduct an inspection shall result in a sanction imposed pursuant to OAR 735-160-0125.

(5) DMV may investigate any complaint it receives about an Operator or Instructor. The Operator and school employees must cooperate with DMV during the investigation. If requested by DMV, the Operator must provide a written response to the complaint within 10 calendar days (excluding weekends and state holidays) to DMV by either mail or facsimile from the date DMV notifies the operator of the complaint.

(6) DMV shall prepare a written report of each inspection and investigation. A copy of the DMV report, including any sanction or corrective action, will be sent to the Operator.

(7) Correct any deficiency identified by a DMV inspector during an on-site inspection, within 30 calendar days of the date the inspection report requiring corrective action is issued by DMV.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.515 & 822.530

Stats. Implemented: ORS 822.515

Hist.: MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

### 735-160-0040

#### Vehicle Equipment

(1) Any motor vehicles owned or leased by a School for behind-the-wheel instruction must:

(a) Be equipped with dual controls. Dual controls consist of:

(A) A foot brake control for both the student driver and the instructor, connected either by mechanical or hydraulic means; and

(B) A clutch control connected either by mechanical or hydraulic means if the vehicle is equipped with a manual transmission.

(b) Be maintained in safe mechanical and physical condition;

(c) Meet the safety equipment standards of the Oregon Vehicle Code, as provided in ORS Chapter 815;

(d) Be equipped with safety belts that meet the standards required under ORS 815.055 and OAR 735-102-0000, for each person in the vehicle;

(e) Have all equipment functioning properly;

(f) Be properly registered in compliance with the laws of Oregon;

(g) Be covered by at least the minimum insurance requirements established under ORS 822.510; and

(h) Be equipped with the following emergency equipment:

(A) Fire extinguisher;

(B) First aid kit; and

(C) Three flares or three red emergency triangles.

(2) Motorcycles or mopeds are not required to comply with sub-sections (1)(a),(d) and (h) of this rule.

[Publications: Publications referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.515  
Stats. Implemented: ORS 822.515  
Hist.: MV 43, f. & ef. 12-8-69; MV 6-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-051-0025; MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0050  
Curriculum Standards and Courses for Commercial Driver Training School Program**

(1) The curriculum standards established in sections (2) and (3) of this rule will have the goal of proper training of student drivers to provide maximum safety for all persons who travel or otherwise use the public highways, and to reduce traffic violations and traffic crashes.

(2) Classroom training may include, but need not be limited to, instruction on:

(a) Knowledge of Oregon motor vehicle statutes and administrative rules related to the operation of a motor vehicle on public highways and premises open to the public;

(b) Safe driving practices;

(c) Driving techniques for different types of roads and road surfaces, and for safe driving near pedestrians, trains, and other vehicles including, but not limited to, cars, trucks, bicycles, and motorcycles;

(d) Driver responsibility including, but not limited to, automobile maintenance, insurance, use of safety belts and child restraints, passenger safety, and the implied consent laws;

(e) Defensive driving practices and techniques;

(f) How the laws of physics affect driving;

(g) How a driver's physical, emotional, and psychological condition affects driving ability;

(h) How driver use of alcohol, drugs, inhalants, or other substances affect driving ability; and,

(i) Dealing with emergency situations and vehicle malfunctions while driving.

(3) Behind-the-wheel instruction may include, but need not be limited to, instruction on:

(a) Operation of vehicle controls;

(b) Performing vehicle maneuvers such as starting, stopping, lane changes, backing, braking, parking, steering, and turning a vehicle under a variety of traffic conditions;

(c) Managing space around the vehicle by adjusting speed and position to avoid conflicts and reduce risk;

(d) Processing traffic and vehicle information into speed and position changes based on visual skills, space management, vehicle speed control, and control of road; and

(e) Precision movements for maintaining vehicle control and balance in expected and unexpected situations based on vehicle speed control, vehicle balance, collision avoidance, traction control, response to mechanical failures, and traction loss.

(4) During any behind-the-wheel instruction session, the following safety requirements must be met:

(a) Only the student driver operating the vehicle and the instructor shall be seated in the front seats of the vehicle; and

(b) All vehicle occupants shall use safety belts at all times while in the vehicle.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.515

Stats. Implemented: ORS 822.515

Hist.: MV 43, f. & ef. 12-8-69; Administrative Renumbering 3-1988, Renumbered from 735-051-0030; MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0075  
Commercial Driver Training School Instructor Qualifications**

(1) No person shall teach, conduct classes, give demonstrations to, or supervise the practice of student drivers for compensation unless he or she is issued an Instructor Certificate by DMV.

(2) To be eligible for an Instructor Certificate, or to renew or maintain an Instructor Certificate, a person must meet the following requirements:

(a) Be at least 21 years of age to conduct behind-the-wheel training and age 19 to conduct classroom training;

(b) Be an employee of a School that holds a valid and current School Certificate issued by DMV;

(c) Have valid Oregon driving privileges and have had valid driving privileges for at least three years preceding the date an application is submitted to DMV for an Instructor Certificate. To be valid, driving privileges must not be suspended, revoked, canceled, or otherwise withdrawn for a violation of a traffic crime described in OAR 735-160-0005(20) and ORS 801.545. For purposes of these OAR 735 division 160 rules, a hardship or probationary permit does not constitute valid driving privileges. An Instructor who has not held Oregon driving privileges for the three year period may be required to submit a certified driving record from any jurisdiction or foreign government that issued driving privileges during that period;

(d) Shall not have a conviction for any of the following crimes:

(A) A traffic crime as defined by ORS 801.545 and OAR 735-160-0005(20). This subsection does not apply if the conviction occurred more than five years preceding the date an application for an Instructor Certificate is submitted to DMV;

(B) Kidnapping or custodial interference as defined in ORS 163.225 through 163.257;

(C) Any sexual offense, with or without force, any offense related to child pornography, or compelling or promoting prostitution;

(D) Any crime involving injury or threat of injury to another person;

(E) Any crime involving theft, forgery, fraud, falsifying or tampering with records, or racketeering; or

(F) Any crime relating to the unlawful possession, use, sale, manufacture, or distribution of controlled substances or alcoholic beverages;

(e) Must not engage in conduct that is substantially related to the person's fitness to be an Instructor or that demonstrates unfitness and inability to perform the responsibilities of an instructor. DMV will determine from the facts and intervening circumstances of the conduct if the person is fit to perform the responsibilities of an instructor or poses a risk to the safety of persons while performing those responsibilities; and

(f) Has received a passing score on both the written knowledge test and drive test described in OAR 735-160-0100.

(3) A person is not eligible for an Instructor Certificate, and will not be allowed to renew or maintain an Instructor Certificate if:

(a) The person has a physical or mental condition or impairment affecting the person's ability to teach, give demonstrations, or supervise the practice of student drivers in a motor vehicle;

(b) The person's vision in both eyes, with or without corrective lenses, does not meet a minimum acuity of 20/40. Corrective lenses do not include bioptic telescopic lenses;

(c) The person's driving privileges are revoked as a habitual offender under ORS 809.600 or any equivalent action in another jurisdiction. This section shall apply if the instructor's driving privileges were revoked as a habitual offender and have not been restored under ORS 809.660 or its equivalent in another jurisdiction at least five years prior to the date an application for an Instructor Certificate or Corrected Instructor Certificate is submitted to DMV;

(d) The person is enrolled or participating in a DUII diversion program, or has restricted or suspended driving privileges under a driver improvement program, including an equivalent diversion or driver improvement program in another jurisdiction. This section shall apply if the person was enrolled or participated in a diversion program or was issued restricted or suspended driving privileges under a driver improvement program anytime within the five years preceding the date an application for an Instructor Certificate is submitted to DMV;

(e) The person refuses to take a breath or blood test in accordance with ORS 813.100 or any equivalent violation in another jurisdiction anytime within five years preceding the date an application for an Instructor Certificate is submitted to DMV;

(f) The person fails to pass a breath or blood test in accordance with ORS 813.100 or any equivalent violation in another jurisdiction anytime within five years preceding the date an application for an Instructor Certificate is submitted to DMV;

(g) An Instructor must not be an instructor at any school in Oregon whose School Certificate is currently revoked, canceled, or withdrawn unless the Operator has completed the terms of their sanction according to OAR 735-160-0125 and meets all eligibility requirements of OAR 735-160-0075; or

(h) An Instructor must not have an Instructor Certificate that is suspended, revoked, canceled, or withdrawn or a similar sanction in



another jurisdiction on the date the application for an Instructor Certificate is submitted to DMV.

(4) An applicant who has been convicted of one of the crimes listed in section (2) of this rule may include an explanation or evidence of intervening circumstances since the conviction. DMV will determine if the intervening circumstances of the conviction are such that the conviction does not affect the person's fitness to be an Instructor.

(5) DMV may request additional information from an applicant who has been convicted of one of the crimes listed in section (2) of this rule. Additional information may include, but is not limited to, documentation regarding the intervening circumstances of the conviction. DMV will determine if the intervening circumstances of the conviction are such that the conviction does not affect the person's fitness to be an Instructor.

(6) An Instructor Certificate may be subject to suspension, revocation, or cancellation as described in OAR 735-160-0115 and 735-160-0125 if an Instructor fails to remain qualified as prescribed under this rule.

Stat. Auth.: ORS 184.616, 814.619, 802.010 & 822.530  
 Stats. Implemented: ORS 822.530  
 Hist.: DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0080**

**Original Commercial Driver Training School Instructor Certificate Application and Requirements**

Each applicant for an original Instructor Certificate pursuant to ORS 822.530 and these rules must:

(1) Submit an application on a form or in a format provided or established by DMV;

(2) Meet the Instructor qualifications listed in OAR 735-160-0075;

(3) Pass the knowledge and drive test requirement in accordance with OAR 735-160-0100;

(4) Submit a release authorizing DMV to obtain the applicant's computer criminal history (CCH) from the Oregon State Police:

(a) If the applicant wishes to challenge the accuracy or completeness of information on the CCH provided by the Oregon State Police the applicant must follow the procedures set forth in OAR 257-010-0035 DMV does not have authority to change any information on a CCH.

(b) If the applicant successfully contests the accuracy or completeness of information on the CCH provided by the Oregon State Police, DMV will obtain a new criminal history check and re-evaluate the criminal history if the applicant submits a release authorizing DMV to obtain a new CCH.

(c) Criminal history records will only be used to determine instructor qualification and will be kept confidential and not released to any person unless DMV determines a record, or any portion thereof, must be released pursuant to the Public Records Law, ORS 192.410 to 192.505, or the Attorney General or a court orders disclosure in accordance with the Public Records Law.

(5) Submit the fee required under ORS 822.700; and

(6) Possess and maintain a current and valid Oregon driver license.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.530  
 Stats. Implemented: ORS 822.530  
 Hist.: MV 43, f. & ef. 12-8-69; MV 7-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-051-0005; MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0085**

**Commercial Driver Training School Instructor Certificate Renewal Application**

(1) Each Instructor must apply for renewal of an Instructor Certificate pursuant to ORS 822.530 and must:

(a) Submit a written application on a form or in a format provided or established by DMV;

(b) Submit a release authorizing DMV to obtain the Instructor's computer criminal history (CCH) from the Oregon State Police. The provisions of OAR 735-160-0080(1)(d) apply to a CCH obtained for renewal of an Instructor Certificate;

(c) Submit the fee required under ORS 822.700; and

(d) Meet and maintain the qualifications listed in OAR 735-160-0075.

(2) Failure to maintain any of the requirements under OAR 735-160-0080 for an Instructor Certificate may result in suspension or

revocation of the Instructor Certificate according to OAR 735-160-0115.

(3) An Instructor must submit to DMV a renewal application, supporting documents and payment for an Instructor Certificate no later than the expiration date stated in ORS 822.530(4)(a). DMV will provide a grace period of 45 days for the application to be processed and for the instructor to display the new Instructor Certificate. A renewal application that is received after the expiration date of the existing Instructor Certificate will be treated as an application for an original Instructor Certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 822.530  
 Stats. Implemented: ORS 822.530  
 Hist.: MV 2-1993, f. & cert. ef. 2-16-93; DMV 8-1996, f. & cert. ef. 8-15-96; DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0093**

**Refusal to Issue or Renew Commercial Driver Training School Instructor Certificate**

(1) DMV will not issue or renew an Instructor Certificate if:

(a) The application is incomplete or information contained in the application is determined by DMV to be false;

(b) The instructor does not meet and maintain the qualifications as set forth in OAR 735-160-0075;

(c) The instructor does not meet and maintain the requirements as set forth in OAR 735-160-0080;

(d) The employing School's Certificate is suspended or revoked.

(2) If DMV refuses to issue or renew an Instructor Certificate, DMV will notify the Instructor in writing. The Instructor may request a contested case hearing. The hearing shall be conducted in accordance with the applicable provisions of the Administrative Procedures Act, ORS 183.310 to 183.540 and is subject to the following:

(a) A request for hearing must be submitted in writing and received by DMV within 20 days of the date the refusal notification is mailed to the Instructor. DMV will not issue an Instructor Certificate pending the outcome of the contested case hearing. If DMV refuses to renew an Instructor Certificate, the expired Instructor Certificate shall remain valid pending the outcome of the contested case hearing; and

(b) Failure to timely request a hearing constitutes waiver of the right to a hearing and no Instructor Certificate will be issued or renewed until the requirements of ORS 822.500 to 822.515 and division 160 rules are satisfied.

Stat. Auth.: ORS 184.616, 814.619, 802.010 & 822.530  
 Stats. Implemented: ORS 822.530  
 Hist.: DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0095**

**Commercial Driver Training School Instructor Responsibilities**

(1) An Instructor shall:

(a) Meet and remain in compliance with the Instructor qualifications set forth in OAR 735-160-0075;

(b) Provide student driver training that meets the curriculum requirements set forth in OAR 735-160-0050;

(c) Accurately complete all applicable student driver records required under OAR 735-160-0030;

(d) Adhere to the Code of Ethics and Rules of Conduct set forth in OAR 735-160-0130;

(e) Comply with all statutes, administrative rules and regulations relating to acting as an Instructor;

(f) Keep a copy of the Instructor Certificate at the school in the Instructor's record and make available for view upon request by the public;

(g) Carry the Instructor's card at all times while providing instruction;

(h) Notify DMV by mail or facsimile within 24 hours, excluding state holidays or weekends of any:

(A) Notice of civil legal action filed against the instructor related to acting as an instructor; or

(B) A criminal investigation, arrest or conviction for an offense described in OAR 735-160-0075(2)(d); and

(C) If requested, respond to DMV in writing or by facsimile or mail within 10 calendar days (excluding weekends and state holidays) to any complaint received by DMV.

(2) An Instructor shall not:

(a) Falsify or tamper with any records;

(b) Transfer his or her Instructor Certificate or card to any other person;

(c) Knowingly assist a person in fraudulently obtaining driving privileges from DMV;

(d) Provide classroom or behind-the-wheel instruction to any student driver who is not enrolled in the school. This subsection does not apply to the Instructor's immediate family members;

(e) Allow any student driver to operate a motor vehicle without a valid driver license or instruction permit;

(f) Provide behind-the-wheel instruction to any student driver on a driving route specifically used by DMV to test applicants for Oregon driving privileges;

(g) Provide questions and answers that are identical to a DMV knowledge test during classroom training;

(h) Allow any student driver to participate in classroom instruction or behind-the-wheel instruction if the Instructor has reason to believe the student driver is under the influence of an intoxicant;

(i) Provide classroom instruction or behind-the-wheel instruction if the Instructor is under the influence of an intoxicant; or

(j) Act as an Instructor without a valid Oregon driver license.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.525 & 822.530

Stats. Implemented: ORS 822.530

Hist.: MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

### 735-160-0100

#### Commercial Driver Training School Instructor Testing

(1) The written examination required by OAR 735-160-0080 for an Instructor shall consist of questions about:

(a) The Oregon Vehicle Code;

(b) Safe driving practices;

(c) The operation of motor vehicles; and

(d) The methods and requirements for instructing student drivers under OAR 735-160-0050.

(2) The driving test required by OAR 735-160-0080 shall examine the applicant's ability to drive consistent with the standards established by ORS 807.070(3) and OAR 735-160-0050.

(3) Each applicant shall be given a maximum of three opportunities in one year to pass the knowledge test or the drive test in accordance with OAR 735-160-0100(4) and (5).

(4) Applicants who fail the drive test on the first attempt must wait at least seven calendar days before taking a second drive test. Individuals who fail the drive test on the second attempt must wait 14 calendar days before taking a third drive test. Applicants who fail the third drive test must wait one year from the date of taking the third drive test.

(5) Applicants who fail the knowledge test on the first attempt must wait at least seven calendar days before taking a second knowledge test. Individuals who fail the knowledge test on the second attempt must wait 14 calendar days before taking a third knowledge test. Individuals who fail the third knowledge test must wait one year from the date of taking the third knowledge test.

(6) Applicants must receive a passing score of 85 percent or higher on the written knowledge test described in OAR 735-160-0100(1) and a passing score of 90 percent or higher on the drive test described in OAR 735-160-0100(2).

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.515 & 822.530

Stats. Implemented: ORS 822.530

Hist.: MV 43, f. & ef. 12-8-69; MV 7-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-052-0015; MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

### 735-160-0110

#### Instructor Certificate Issuance, Correction, Surrender, and Replacement

(1) DMV will issue an Instructor Certificate and Instructor's card to an applicant who has met all the requirements of OAR 735-160-0075 through 735-160-0100. The name of the school employing the applicant shall be included on the Instructor Certificate and Instructor's card.

(2) An Instructor Certificate and Instructor's card are not transferable.

(3) An instructor must obtain a corrected Instructor Certificate and Instructor card when:

(a) The name or address of the school currently employing the instructor changes or is incorrect; or

(b) The instructor's name changes or is incorrect.

(4) At the time employment with the school ends, the instructor's original Instructor Certificate and Instructor card must be surrendered to the school. Within 10 calendar days of surrender, the school must return the original Instructor Certificate and Instructor card to DMV.

(5) DMV will issue a replacement Instructor Certificate if the Instructor Certificate or Instructor's card has been lost, mutilated or destroyed.

(6) To apply for replacement or correction of an Instructor Certificate or Instructor's card, the instructor must:

(a) Submit a written request to DMV; and

(b) Clearly explain the reason for the request.

Stat. Auth.: ORS 802.010, 822.515 & 822.530

Stats. Implemented: ORS 822.530

Hist.: MV 43, f. & ef. 12-8-69; MV 7-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-052-0110; MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

### 735-160-0115

#### Commercial Driver Training School and Instructor Sanctions

(1) DMV will impose sanctions when it determines a School or an Instructor has violated provisions of the Motor Vehicle Code, or administrative rules promulgated by DMV.

(2) DMV will impose a sanction appropriate for the particular violation. In determining an appropriate sanction, DMV may use the matrix outlined in OAR 735-160-0125 as a guideline and may consider the following criteria:

(a) The severity of the violation or its impact on the safety of the public;

(b) The number of similar or related violations;

(c) Whether the violations were willful or intentional; and

(d) The history of prior sanctions imposed by DMV.

(3) DMV will impose sanctions when it determines violations have occurred or are occurring. These may include one or more of the following:

(a) A written warning, including correction notices;

(b) Suspension of the School Certificate and the right to apply for a School Certificate for up to one year;

(c) Suspension of the Instructor Certificate and the right to apply for an Instructor Certificate or renewal of an Instructor Certificate for up to one year;

(d) Revocation of the School Certificate and the right to apply for a School Certificate or renewal of a School Certificate for up to five years;

(e) Revocation of the Instructor Certificate and the right to apply for an Instructor Certificate or renewal of an Instructor Certificate for up to five years.

(4) DMV may cancel, suspend or revoke a School Certificate or an Instructor Certificate if the school, the operator or the instructor fail to maintain the eligibility requirements under ORS 822.500 to 822.535 and these OAR division 160 rules.

(5) An Operator or Instructor whose certificate has been suspended, revoked, or cancelled is entitled to a contested case hearing as provided in the Oregon Administrative Procedures Act under ORS 183.413 to 183.500.

(6) When DMV takes action to suspend, revoke or cancel a School Certificate DMV will send notice to the Operator listed on the School Certificate. The notice will be in writing and state that the suspension, revocation, or cancellation will begin either in five calendar days (an immediate suspension or cancellation) or in 30 calendar days from the date on the notice. The notice will be served by first class mail sent to the current school address on record with DMV.

(7) When DMV takes action to suspend, revoke or cancel an Instructor Certificate DMV will send notice to the Instructor listed on the Instructor Certificate. The notice will be in writing and state that the suspension, revocation, or cancellation will begin either in five calendar days (for an immediate suspension or cancellation) or in 30 calendar days from the date on the notice. The notice will be served by first class mail sent to the current school address on record with DMV.

(8) Except as provided for in section (9) of this rule, a request for a hearing must be submitted in writing to, and received by, the Office of Administrative Hearings within 20 days of the date of the notice. If a hearing request is received in a timely manner the suspension, revocation or cancellation will not go into effect pending the outcome of the hearing, unless the certificate is immediately suspended or cancelled.

(9) If the certificate is immediately suspended or cancelled as set forth in OAR 735-160-0125, the request for hearing shall be submitted in writing to, and received by, DMV within 90 days of the date of notice of suspension. The suspension or cancellation shall remain in effect pending the outcome of the hearing.

(10) Except as provided in OAR 137-003-0003, when no request for a hearing is received by the deadline, the Operator or Instructor has waived the right to a hearing, DMV's file shall constitute the record of the case, and a default order shall be issued by DMV.

(11) If a School Certificate or Instructor Certificate has been revoked, the Operator or Instructor may reapply for an original certificate after a period of revocation of five years and must meet all the requirements for the certificate.

(12) If the School Certificate or Instructor Certificate is cancelled, the Operator or Instructor may reapply for an original certificate when they have met all of the requirements for a certificate and fees are paid in accordance with ORS 822.700.

(13) At the end of a suspension period, DMV will reinstate the School Certificate or Instructor Certificate unless the certificate has expired or the Operator or Instructor does not meet the qualification requirements for the certificate. If the certificate has expired, the operator or instructor must reapply for an original certificate, must meet all the requirements for new certification, and pay fees in accordance with ORS 822.700.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.515 & 822.530  
Stat. Implemented: ORS 822.515  
Hist.: DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0125**

**Sanctions**

DMV adopts the following matrix of sanctions for School Operator and Instructor violations. As used in this rule, an offense will be considered a second or subsequent offense if it occurred within three years from the date the operator or instructor was notified in writing of the occurrence of the same or a substantially similar offense in another jurisdiction. DMV will not sanction a second or third/subsequent offense if more than three years have passed from the date of the previous violation for the same or similar offense. [Table not included. See ED. NOTE.]

[ED. NOTE: Tables referenced are available from the agency.]  
Stat. Auth.: ORS 184.616, 814.619, 802.010, 822.515 & 822.530  
Stat. Imp.: ORS 822.515 - 822.530  
Hist.: DMV 15-2005, f. & cert. ef. 5-19-05

**735-160-0130**

**Code of Ethics and Rules of Conduct**

(1) Each Operator and each Instructor accepts the responsibilities and requirements of the driver training profession. Each Operator and Instructor must adhere to the highest ethical standards of professional conduct.

(2) To fulfill their obligations to the public and to DMV, the Operator and Instructor shall:

(a) Recognize that the instruction and training of student drivers is a position of trust;

(b) Exhibit competence and wisdom in conducting professional responsibilities;

(c) Uphold and obey the law, including but not limited to the provisions of the Motor Vehicle Code; and

(d) Maintain and uphold the highest educational standards possible for instructing and training student drivers.

(3) Rules of Conduct. An Operator and Instructor will not engage in or knowingly allow any owner, officer, agent, director, manager, or employee of a School to engage in any of the following:

(a) Assist or knowingly allow a student driver to fraudulently obtain driving privileges for which the student driver is ineligible or has not qualified;

(b) Discriminate against a student driver because of race, religion, national origin, disability, age, sex, or sexual orientation;

(c) Have sexual contact with, or request sexual contact from, a student driver. For purposes of this section, "sexual contact" means:

(A) Sexual intercourse; or

(B) Any touching of the sexual or other intimate parts of a person for the purpose of arousing or gratifying the sexual desire of either party;

(d) Make sexual advances either verbally or physically or request sexual contact from any student driver, whether directly, indirectly or by innuendo;

(e) Use physical force or a threat of physical force against a student driver, unless such force or threat is necessary to avoid immediate danger to the safety of the student driver, the Operator or Instructor, employees of the school, passengers in a vehicle being used for behind-the-wheel instruction, or the general public;

(f) Possess any unlawful controlled substance or intoxicating beverage or be under the influence of any intoxicating beverages, drugs or controlled substances while training or instruction is being provided to student drivers;

(g) Falsify any document or make a misrepresentation on the application for a school or Instructor Certificate;

(h) Refer any student driver to a particular DMV certified third-party tester or examiner for DMV testing purposes; and

(i) If also certified as a DMV third party tester or examiner, test an applicant for driving privileges if the applicant was enrolled as a student driver at the School.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 822.515 & 822.530  
Stats. Implemented: ORS 822.530  
Hist.: MV 2-1993, f. & cert. ef. 2-16-93; DMV 15-2005, f. & cert. ef. 5-19-05

**DIVISION 162**

**SNOWMOBILES INSTRUCTORS/OPERATORS**

**735-162-0000**

**Qualifications**

Any person who does not have an operator's license issued under ORS Chapter 807 may be issued a certificate to operate a snowmobile if they have taken a Snowmobile Safety Education Course that has been approved by the Driver and Motor Vehicle Services Division of the Department of Transportation.

Stat. Auth.: ORS 802.010, 821.150, 821.160 & 821.190  
Stats. Implemented: ORS 821.160  
Hist.: MV 46, f. 9-10-71, ef. 10-1-71; MV 8-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-061-0010

**735-162-0010**

**Certification Application**

Each applicant for a certificate to operate a snowmobile who has completed the Snowmobile Safety Education Course must make application on a form provided by the Driver and Motor Vehicle Services Division of the Department of Transportation.

Stat. Auth.: ORS 802.010, 821.150, 821.160 & 821.190  
Stats. Implemented: ORS 821.160  
Hist.: MV 46, f. 9-10-71, ef. 10-1-71; MV 8-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-061-0015

**735-162-0020**

**Course Content**

(1) The Snowmobile Safety Education Course shall consist of safety education including, but not limited to, snowmobile controls and safety equipment, proper clothing, safe operating procedures, snowmobile laws, and general information.

(2) Prior to issuance of an operator's certificate, the applicant must:

(a) Complete the Snowmobile Safety Education Course; and  
(b) Receive a qualifying score of 70 percent or above.

Stat. Auth.: ORS 802.010, 821.150, 821.160 & 821.190  
Stats. Implemented: ORS 821.160  
Hist.: MV 46, f. 9-10-71, ef. 10-1-71; MV 8-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-061-0020

**735-162-0030**

**Certification**

The instructor shall forward to the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) the enrollment forms provided by DMV, listing each person who received and successfully completed the Safety Education Course. A certification card will be issued by DMV to each person listed on the enrollment forms. If a certification card is lost, stolen, mutilated, or destroyed, a duplicate certification card may be obtained upon application to DMV by the person to whom the certification card was issued.

Stat. Auth.: ORS 802.010, 821.150, 821.160 & 821.190  
Stats. Implemented: ORS 821.160  
Hist.: MV 46, f. 9-10-71, ef. 10-1-71; MV 8-1981, f. & ef. 7-1-81; MV 8-1983, f. 10-5-83, ef. 10-15-83; Administrative Renumbering 3-1988, Renumbered from 735-061-0025

**Instructors**

**735-162-0040**

**License Application**

Each applicant for certification as an instructor of the Snowmobile Safety Education Course shall make application on a form provided by the Driver and Motor Vehicle Services Division of the Department of Transportation.

Stat. Auth.: ORS 802.010, 821.150, 821.160 & 821.190  
 Stats. Implemented: ORS 821.160  
 Hist.: MV 46, f. 9-10-71, ef. 10-1-71; MV 8-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-061-0035

**735-162-0050**

**Requirements**

To be certified as a Snowmobile Safety Education Course instructor, the applicant must:

- (1) Be at least 21 years of age;
- (2) Have a high school education or the equivalent;
- (3) Have been recommended by a local snowmobile club or knowledgeable person from the snowmobile industry or the snowmobile association;
- (4) Have a valid Oregon driver's license; and
- (5) Have not been convicted of a felony or misdemeanor involving fraud, dishonesty, or moral turpitude as defined under Oregon Statutes during the three years prior to the date of application.

Stat. Auth.: ORS 802.010, 821.150, 821.160 & 821.190  
 Stats. Implemented: ORS 821.160  
 Hist.: MV 46, f. 9-10-71, ef. 10-1-71; MV 8-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-061-0040

**735-162-0060**

**Testing**

An applicant for an instructor's certification will be required to pass a written examination and vision test given by an authorized representative of the Driver and Motor Vehicle Services Division of the Department of Transportation. The written examination will consist of questions relating to:

- (1) Snowmobile laws and regulations;
- (2) Maintenance and operation of snowmobiles; and
- (3) Snowmobile safety.

Stat. Auth.: ORS 802.010, 821.150, 821.160 & 821.190  
 Stats. Implemented: ORS 821.160  
 Hist.: MV 46, f. 9-10-71, ef. 10-1-71; MV 8-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-061-0045

**735-162-0070**

**Certification**

(1) An instructor's certificate will be issued provided the applicant:

- (a) Has met the requirements as outlined in OAR 735-162-0050;
- (b) Has passed the written examination as required by OAR 735-162-0060 with a score of at least 90 percent; and
- (c) Has passed the vision test conducted by the Driver and Motor Vehicle Services Division of the Department of Transportation as required by OAR 735-162-0060.

(2) Failure to ensure that the requirements, as outlined in OAR 735-162-0020, 735-162-0030, 735-162-0050, and 735-162-0060 are met and maintained will be cause for revoking the instructor's certificate under the provisions of ORS Chapter 183.

Stat. Auth.: ORS 802.010, 821.150, 821.160 & 821.190  
 Stats. Implemented: ORS 821.160  
 Hist.: MV 46, f. 9-10-71, ef. 10-1-71; MV 8-1981, f. & ef. 7-1-81; Administrative Renumbering 3-1988, Renumbered from 735-061-0050; MV 8-1983, f. 10-5-83, ef. 10-15-83

**DIVISION 164**

**SNOWMOBILE TITLE/REGISTRATION**

**735-164-0000**

**Snowmobile Fees Relating to Registration**

The fees relating to registration for snowmobiles shall be consistent with fees for other vehicles provided for in ORS 803.575 and shall be as follows:

- (1) Issuance of a duplicate or replacement registration card is \$5.

(2) Issuance of a new registration card under ORS 803.220, indicating a change of address, is \$5.

(3) Issuance of a replacement registration decal is \$11.

(4) Issuance of replacement registration stickers under ORS 803.555 is \$11.

(5) Issuance of both replacement registration decals and replacement registration stickers, when issued at the same time, is \$11.

(6) The fees paid under sections (3), (4), and (5) of this rule include the cost of any duplicate or replacement registration card issued.

Stat. Auth.: ORS 802.010, 803.035, 803.310, 803, 821.060 - 821.090 & Ch. 217 & 587, OL 1987  
 Stats. Implemented: ORS 821.080  
 Hist.: MV 30-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-120-0060

**735-164-0010**

**Snowmobiles — Title and Registration Requirements**

(1) Unless otherwise exempt, snowmobiles are subject to title and registration requirements as provided by rules of the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) and as provided in:

(a) ORS 803.010 through 803.230 relating to titles, except odometer requirements as these vehicles are exempt as provided in OAR 735-028-0010;

(b) ORS 803.300 through 803.455, except ORS 803.370(3) as provided in OAR 735-028-0010, relating to registration;

(c) ORS 803.500 through 803.510, except ORS 803.500(1)(j) and (2), relating to registration cards;

(d) ORS 803.555 through 803.560, relating to registration stickers;

(e) ORS 803.585 and 803.590; and

(f) ORS 803.615 and 803.625 through 803.640, relating to temporary registration permits.

(2) Snowmobiles that are exempt from title and registration requirements are eligible for optional titling and registration as provided by rules of DMV and as provided in ORS 803.035 and 803.310. When titled or registered under this section:

(a) They are subject to the same titling and registration provisions as other snowmobiles required to be titled and registered; and

(b) If neither the title nor the Manufacturer's Certificate of Origin is presented as proof of ownership, except as provided in OAR 735-022-0020(2), DMV shall receive an Oregon Uniform Commercial Code Search as outlined in OAR 735-022-0020.

Stat. Auth.: ORS 802.010, 803.030, 803.035, 803.305, 803.310, 821.060 & 821.080  
 Stats. Implemented: ORS 821.060 & 821.080  
 Hist.: MV 30-1987, f. & ef. 10-1-87; Administrative Renumbering 3-1988, Renumbered from 735-120-0070

**735-164-0020**

**Placement of Snowmobile Decal**

The registration number assigned to snowmobiles by the Driver and Motor Vehicle Services Division of the Department of Transportation, as required by ORS 821.080, will be issued in the form of a decal. The decal may be placed anywhere on the left side of the snowmobile where it is visible while being operated, such as the front cowling or rear tunnel.

Stat. Auth.: ORS 802.010 & 821.080  
 Stats. Implemented: ORS 821.120  
 Hist.: MV 7-1985, f. 6-14-85, ef. 6-16-85; Administrative Renumbering 3-1988, Renumbered from 735-071-0092

**DIVISION 170**

**FUEL LICENSES AND RECORDS**

**735-170-0000**

**Definitions**

(1) To "Import" means to bring motor vehicle fuel or aircraft fuel into the State of Oregon by means of your own truck vehicle, aircraft, container, or otherwise, excluding only fuel imported in the fuel tank of your truck, aircraft, or other vehicle and ultimately used only as fuel for the propulsion of said vehicle or aircraft.

(2) "Cause to be Imported" means to have motor vehicle fuel or aircraft fuel brought into the state at your order, request, or solicitation.

(3) "ODOT Fuels Tax Group" means the organizational unit within Financial Services, Central Services Division of the Oregon

Department of Transportation that is primarily charged with the administration of ORS 319.010 through 319.880 on behalf of the State of Oregon.

(4) "Ex-tax" means that tax is not included in the price of the fuel.  
 Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.010 - 319.430  
 Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & cf. 9-2-86; Administrative Renumbering 3-1988, Renumbered from 735-011-0005; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0010**

**Records Required**

Every licensed dealer shall maintain and keep at least the following:

(1) Stock summary showing monthly totals for the gallons of motor vehicle fuel or aircraft fuel handled within the State of Oregon with an analysis as to inventories, receipts, sales, use, transfers, and loss or gain.

(2) Purchase journal showing the number of gallons of motor vehicle fuel or aircraft fuel purchased or received each month supported by purchase invoices or other documents.

(3) Sales journal showing the number of gallons of motor vehicle fuel or aircraft fuel sold or distributed each month, supported by sales invoices covering each sale or delivery. Sales invoice forms shall be approved by the ODOT Fuels Tax Group and shall include at least the following information:

(a) Date of sale or delivery;

(b) Name of place or storage facility from which sale or delivery is made if the vendor has more than one branch or if the origin point is different from the mailing address;

(c) Name of licensed dealer making the sale or delivery;

(d) All invoices shall separately state and describe to the satisfaction of the ODOT Fuels Tax Group the different products shipped thereunder and shall be serially numbered except where other sales invoice controls acceptable to the ODOT Fuels Tax Group are maintained;

(e) Name and address of the purchaser and delivery point if different than the address;

(f) The gallons of motor vehicle fuel or aircraft fuel sold;

(g) When motor vehicle fuel or aircraft fuel is sold to a person who claims to be entitled to a refund of the tax, the invoice must show no corrections or erasures; and

(h) Where the storage facility or sale point is located near the state border and where sales therefrom are made to customers residing both within and outside the State of Oregon, the invoice shall clearly show the place and state where the licensed dealer actually made delivery to the customer.

(4) A record showing all withdrawals of motor vehicle fuel or aircraft fuel from storage for use by the licensed dealer. Such record shall be summarized into monthly totals and shall show separately the number of gallons used for non-highway purposes and the number of gallons used in highway vehicles. Records shall also be maintained showing the total number of miles traveled each month and the total number of gallons of fuel used (segregated as to fuel withdrawn from licensee's bulk storage and fuel received from other sources) by each highway vehicle. Such records are to be kept in the accounting office where the periodical tax audit is to be made and must cover all distributing locations which are operated under the dealer license, whether such distributing locations are operated by employees of the licensee or by commission agents. In addition, individual fueling records, including purchase invoices, when fuel for vehicles is obtained from sources other than licensee's bulk storage, shall be kept and made available for audit when requested.

(5) A physical inventory of motor vehicle fuel and aircraft fuel stocks shall be taken at least at the end of each calendar month and preserved for audit purposes.

(6) All required records shall be summarized into calendar month totals and shall be centralized in the accounting office where the periodical tax audit is to be made.

(7) If at any time the auditor for the state is required to go outside the State of Oregon in order to examine the licensee's records, the licensee shall reimburse the state for travel expenses, including transportation, meals, and lodging costs, incurred by said auditor.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.390 & 319.400

Hist.: MV 22, f. 2-15-63; Administrative Renumbering 3-1988, Renumbered from 735-011-0055; MV 7-1988, f. & cert. ef. 2-29-88; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0020**

**Tax Report Forms**

(1) Every dealer must prepare a tax report which completely summarizes the number of gallons of motor vehicle fuel or aircraft fuel sold, distributed, or used in the State of Oregon each month. Tax report forms to be used are the:

(a) Signed Motor Vehicle Fuel and Aircraft Fuel License Tax Report, Form 1302;

(b) The Stock Summary schedule Form 1303; and

(c) Supporting detail Schedules 1, 2, 3, 4, 5.1, 5.2, 5.3, 6, 7, and 8 as appropriate to support entries on Form 1303.

(2) The following forms are available for preparing detail schedules. The most current version of such forms shall be used:

(a) Form 1303 is to be used in preparing the Stock Summary schedule;

(b) Form 1304 is a multiple use form to be used in preparing the detail schedule of receipts 1, 2, 3 and 4;

(c) Form 1305 is a multiple use form to be used in preparing the schedule of disbursements 5.1, 5.2, 5.3, 6, 7, and 8;

(d) Form 1306 is to be used only to support miscellaneous deductions not elsewhere reported.

(3) Only the signed report, Form 1302, the Stock Summary, Form 1303, and such other of the detail schedules as are necessary to completely explain the various entries to these forms are required to be submitted on or before the 25th of each month. Machine tabulated data will also be accepted where a great amount of detail is involved.

(4) A separate set of forms shall be prepared by or for each division or other accounting territory of the licensee with a summarized or consolidated set of forms prepared by the reporting office of the licensee covering all distribution within Oregon.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880

Stats. Implemented: ORS 319.190, 319.390 & 319.400

Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & cf. 9-2-86; Administrative Renumbering 3-1988, Renumbered from 735-011-0105; MV 7-1988, f. & cert. ef. 2-29-88; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0030**

**Tax Report Preparation**

(1) The Motor Vehicle Fuel and Aircraft Fuel License Tax Report, Form 1302, shall be completed, signed and accompanied by the Stock Summary, Form 1303 and such supporting detail schedules as are necessary to explain entries on line 8 of Form 1302 and lines 2 to 6 and 8 to 13 of Stock Summary Form 1303.

(2) Stock Summary Schedule, Form 1303, shall summarize the total number of gallons of motor vehicle fuel or aircraft fuel handled within Oregon.

(3) Schedule 1, Form 1304, shall state the number of gallons of motor vehicle fuel and aircraft fuel acquired in Oregon on an Oregon tax paid to supplier basis.

(4) Schedule 2, Form 1304, shall state the number of gallons of motor vehicle fuel and aircraft fuel acquired in Oregon with the Oregon tax not paid to supplier.

(5) Schedule 3, Form 1304, shall state the number of gallons of motor vehicle fuel and aircraft fuel sold or distributed from storage facilities, distributing stations, refineries, etc., located outside of Oregon and imported or for importation into the state. Enter on this schedule all sales to Oregon customers which are made directly from storage facilities or distributing plants located in other states, also all sales made from delivery equipment or carriers operating out of supply points located outside of Oregon.

(6) Schedule 4, Form 1304, shall state the number of gallons of motor vehicle fuel and aircraft fuel imported into Oregon tax free storage.

(7) Schedule 5, Form 1305, shall state the number of gallons of motor vehicle fuel and aircraft fuel subject to Oregon tax. Gallons reported on Schedule 5 shall also include all motor vehicle fuel or aircraft fuel delivered to retail service stations or bulk storage tanks which are connected by means of pipe lines with retail service pumps that are used to fuel motor vehicles or aircraft, even though such service stations or bulk tanks may be owned and operated by the licensed dealer. Gallons reported on Schedule 5 must be allocated to one of the following sub-schedules as appropriate:

(a) Schedule 5.1 — Deliveries to your own Service Stations, Card/Keylocks in Oregon.

(b) Schedule 5.2 — Tax-Included Sales or Distributions to Oregon Licensed Dealers.

(c) Schedule 5.3 — All Other Taxable Sales, Use or Distribution.

(8) Schedule 6, Form 1305, shall state the total number of gallons of motor vehicle fuel or aircraft fuel sold, exchanged or distributed ex-tax to Oregon licensed dealers:

(a) Use this schedule for reporting all sales or deliveries of motor vehicle fuel or aircraft fuel to Oregon licensed dealers upon which the state tax is not charged. Also include on Schedule 6 shipments sold, exchanged or distributed ex-tax in Oregon to Oregon licensed dealers where the shipment is destined for points outside Oregon.

(b) A separate total for each licensed dealer shall be shown and shall be supported by detail set out on supporting Schedule 6, Form 1305, which is required to be submitted in duplicate.

(9) Schedule 7, Form 1305, shall summarize the number of gallons of motor vehicle fuel or aircraft fuel sold or distributed from storage facilities or locations located within the State of Oregon and exported to other states, territories, or countries in which the licensed dealer holds a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country. This schedule shall also be used to show separately product transfers from storage facilities or distributing stations located within the State of Oregon and exported to other states, territories, or countries in which the licensed dealer holds a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country:

(a) Use this schedule to claim tax exemption for fuel exported and delivered to customers or storage facilities owned or controlled by the licensed dealer located outside of Oregon where the licensed dealer holds a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country;

(b) Fuel sold, distributed, or transferred to other states, territories, or countries in which the licensed dealer does not hold a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country is subject to Oregon tax and must be reported on Schedule 5.3;

(c) A separate total for each state, territory, or country shall be shown and shall be supported by detail set out in supporting Schedule 7, Form 1305, which is required to be submitted in duplicate;

(d) Each entry to Schedule 7 except those representing exports in equipment owned and operated or completely controlled by the dealer is to be supported by a properly executed certificate of exportation; and

(e) For complete instructions relative to claiming such exemptions and to executing export certificates, see OAR 735-170-0050 through 735-170-0070.

(10) Schedule 8, Form 1305, shall state the number of gallons of motor vehicle fuel and aircraft fuel sold or distributed ex-tax within Oregon to the Armed Forces of the United States for use in ships, aircraft or for exportation:

(a) Use this schedule for claiming exemption of tax when motor vehicle fuel or aircraft fuel is sold by the dealer to the Armed Forces of the United States for use in ships, aircraft or for exportation.

(b) Tax exemption may be claimed on this schedule for aircraft fuel sold in Oregon by other than a license dealer to the Armed Forces of the United States for use in aircraft provided exemption certificate Form 1338 is obtained at time of sale.

(c) Each entry to Schedule 8 is to be supported by a properly executed exemption certificate (Form 1338).

(11) Form 1306, Miscellaneous Deduction Schedule, shall be used for claiming miscellaneous tax exemptions for non-highway use, and other miscellaneous deductions. However, entries that reverse, cancel, or correct transactions should be made on the respective schedule to which they relate and submitted with the appropriate amended Forms 1302AA and 1303AA, Forms 1302MA and 1303MA, or Forms 1302JA and 1303JA.

(12) Form 1302AA and Form 1303AA, completed in the format and manner prescribed by the ODOT Fuels Tax Group, shall be used to show increases or decreases to aviation gasoline gallons reported and tax paid for a previously reported tax period.

(13) Form 1302MA and Form 1303 MA, completed in the format and manner prescribed by the ODOT Fuels Tax Group, shall be used

to show increases and decreases to gasoline and ethanol gasoline gallons reported and tax paid for a previous reported tax period.

(14) Form 1302JA and Form 1303JA, completed in the format and manner prescribed by the ODOT Fuels Tax Group, shall be used to show increases or decreases to jet fuel gallons reported and tax paid for a previously reported tax period.

[ED. NOTE: Forms referenced are available from the agency.]

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880

Stats. Implemented: ORS 319.190, 319.240, 319.390 & 319.400

Hist.: MV 22, f. 2-15-63; MV 24, f. 8-22-63, ef. 9-22-63; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0110; MV 49-1989, f. 11-16-89, cert. ef. 1-1-90; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

### 735-170-0040

#### Tax Report Filing Dates

A tax report must be filed for each calendar month. The report is to be filed not later than the 25th day of the succeeding calendar month. However, when the due date falls on a Saturday, a Sunday, or any legal holiday, the report may be filed on the next business day without penalty.

Stat. Auth.: ORS 319.010 - 319.880 & 802.010

Stats. Implemented: ORS 319.190

Hist.: MV 22, f. 2-15-63; MV 48, f. 10-5-72, ef. 10-15-72; MV 53, f. 2-20-74, ef. 3-11-74; MV 1-1980(Temp), f. & ef. 1-21-80; MV 6-1980, f. & ef. 4-18-80; MV 11-1982, f. 4-30-82, ef. 5-1-82; MV 13-1986, f. & ef. 9-2-86; Administrative Renumbering 3-1988, Renumbered from 735-011-0115

### 735-170-0045

#### Motor Vehicle Fuel Tax Waiver of Late Payment Penalties

(1) ORS 319.180(4) allows the ODOT Fuels Tax Group to waive penalties for late payment of motor vehicle fuel tax.

(2) Any entity or a person may submit a written request for waiver of late payment penalties to the ODOT Fuels Tax Group.

(3) Upon receipt of a written request for waiver of late payment penalties, the ODOT Fuels Tax Group shall use the following criteria to determine if there was reasonable cause for the late payment and no intent on the part of the taxpayer to avoid payment:

(a) Timely filing of past tax reports and tax payments by the licensee;

(b) Accuracy of past tax reports by the licensee;

(c) Audit findings of prior audits conducted upon licensee; and

(d) Any other criteria the ODOT Fuels Tax Group may find to be informative and appropriate.

Stat. Auth.: ORS 184.616, 184.619 & 319.180

Stat. Imp.: ORS 319.180

Hist.: MV 37-1987, f. 12-7-87, ef. 1-1-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0745; Renumbered from 735-174-0050 by DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

### 735-170-0050

#### Transactions Which May Be Classed as Export Sales

Transactions which may be classed as export sales reportable on Schedule 7 consist of:

(1) Motor vehicle fuel and aircraft fuel actually and in fact exported and delivered to customers at points outside the State of Oregon by means of equipment owned and operated or completely controlled by the Oregon licensed dealer, where the Oregon licensed dealer holds a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country. No exportation certificate is required for these sales.

(2) Motor vehicle fuel and aircraft fuel delivered by the Oregon licensed dealer to a rail, motor, or other "carrier" not owned, managed, or controlled by the consignee, or an officer or officers of the consignee, in case the consignee is a corporation, for transportation to a destination outside of the State of Oregon; provided, that the terms of the shipping contract definitely establish that the said Oregon licensed dealer actually and in fact retains title to and control over said fuel until actual delivery to its destination outside of the State of Oregon, where the Oregon licensed dealer holds a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country. ODOT may require these sales to be supported by a Certificate of Exportation, Form B, 1318, as specified in OAR 735-170-0060.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880

Stats. Implemented: ORS 319.240

Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0205; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0060**

**Certificate of Exportation Requirements**

ODOT may require a dealer to submit a Certificate of Exportation Form B, 1318, in support of claims on account of exportation of motor vehicle fuel from the State of Oregon as provided in OAR 735-170-0050(2). When required to do so, a dealer shall:

- (1) Complete a Certificate of Exportation Form B, 1318;
- (2) File the certificate in the principal office of the dealer within three months after the close of the calendar month during which the shipments were made, unless a request for extension of time has been made and approved;
- (3) Retain the duplicate copy of the Form B certificate in the principal office of the dealer; and
- (4) File the original copy of the Form B certificate with the ODOT Fuels Tax Group of the State of Oregon on or before the tenth day of the fourth month following the calendar month during which the shipment is made.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.240  
 Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0210; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0070**

**Special Requirements Relating to Reporting and Recording Export Sales**

(1) Motor vehicle and aircraft fuel sold by Oregon licensed dealers to other Oregon licensed dealers, the destinations of which shipments are points outside the State of Oregon, should be reported on Schedule 6 of the tax report and need not be supported by certificates of exportation. Oregon licensed dealers purchasing such fuels shall report the exportation from Oregon of the same on Schedule 7 of the monthly tax report whenever the delivery is to any person or location other than to themselves and to their own storage facilities if the Oregon licensed dealer holds a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country. If the Oregon licensed dealer does not hold a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country, the stock transfers must be reported on Schedule 5.3.

(2) Stock transfers of motor vehicle and aircraft fuels consigned and delivered to the Oregon licensed dealer's own storage facilities located in other states, territories or countries need not be supported by a certificate of exportation but must be listed on Schedule 7 of the monthly tax report if the Oregon licensed dealer holds a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country. If the Oregon licensed dealer consigning or delivering to the dealer's own storage facilities does not hold a valid motor vehicle fuel dealers license or its equivalent issued by the destination state, territory or country, the stock transfers must be reported on Schedule 5.3.

(3) Sales or other deliveries of motor vehicle and aircraft fuel made from stock located within the State of Oregon must be reported as Oregon distribution and supported by exportation certificates if:

- (a) The sales or deliveries are consigned or shipped to points outside the State of Oregon; and
- (b) The invoicing or billing is transferred to locations or offices located in other states.

(4) All export sales for which tax exemption is claimed shall be reported on Schedule 7 of the monthly tax report.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.240 & 319.270  
 Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0215; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0080**

**Sales to the Armed Forces of the U.S. — Tax Exempt Under Certain Conditions**

(1) Motor vehicle fuel or aircraft fuel can be sold Oregon tax exempt to the Armed Forces of the United States as provided in ORS 319.250.

(2) Sales for use in aircraft shall include fuel placed in the fuel tank of an aircraft to be operated by the Armed Forces or into bulk storage facilities maintained exclusively by the Armed Forces for the purpose of fueling aircraft.

Stat. Auth.: ORS 319.010 - 319.880 & 802.010  
 Stats. Implemented: ORS 319.250

Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & ef. 9-2-86; Administrative Renumbering 3-1988, Renumbered from 735-011-0250

**735-170-0090**

**Exemption Certificates**

(1) Every sale or delivery to the Armed Forces of the United States upon which tax exemption is claimed must be supported by Exemption Certificate Form 1338 supplied by the ODOT Fuels Tax Group.

(2) In order to obtain exemption from the tax, Form 1338 must be completed and signed at the time of sale and delivery. Whenever the vendor is other than an Oregon licensed dealer, the Form 1338 may be turned over to a dealer for credit and for inclusion with the dealer's monthly tax report. All Form 1338 certificates shall be placed on file in the dealer's office where the tax audit is to be made.

(3) All claims for tax exemption are to be entered on Schedule 8, Form 1305.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.250  
 Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0255; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0100**

**Fuel Lost or Destroyed — Tax Exemption Requirements**

The following requirements are for claims by Oregon licensed dealers for exemption from the Oregon tax on motor vehicle fuel or aircraft fuel lost or destroyed through transportation and other mishaps prior to the time title to the product passes from the licensed dealer:

(1) Motor vehicle fuel or aircraft fuel lost by a carrier or other person in this state shall be included in the taxable distribution section of the monthly tax report, Form 1302. When a carrier or person responsible for lost motor vehicle or aircraft fuel furnishes acceptable documentary proof of actual loss, credit for the Oregon tax may be taken on Form 1302. Acceptable documentary proof of the loss, as described in section (2) of this rule, must be submitted to the ODOT Fuels Tax Group for approval. After approval by the ODOT Fuels Tax Group, the documents shall be filed with the accounting records in the dealer's office where the tax audit is to be made. Credits for approved losses shall be reported on Form 1306 of the monthly tax report. If the carrier or other person being invoiced is licensed as a dealer, the loss shall be reported on Schedule 6.

(2) Acceptable documentary proof of loss will include the following:

- (a) A signed statement by the driver of the vehicle, or some person having actual knowledge of the loss, stating:
  - (A) The circumstances surrounding the accident or mishap;
  - (B) The total quantity of fuel shipped;
  - (C) The quantity of fuel actually lost or destroyed;
  - (D) The quantity of fuel salvaged;
  - (E) The disposition of the salvaged fuel; and
  - (F) The procedure used in the determination of the exact quantity of fuel lost or destroyed.

(b) A certified copy of the carrier's settlement of claim against the insurance company, if the loss is occasioned by a for-hire or other insured carrier. The details required by subsection (2)(a) of this rule shall be supplied; or

(c) A signed statement by a State Police officer or other person witnessing the accident or mishap, which:

- (A) Sets out the details of the accident; and
- (B) States the quantity of fuel actually lost as nearly as can be determined by the officer or other person. The details required by subsection (2)(a) of this rule shall be supplied.

(3) Losses which occur through accident or mishap to the dealer's own equipment shall be supported by a signed statement made by the driver of the vehicle or person directly in charge of the equipment at the time of the accident. The statement shall include the details required by subsection (2)(a) of this rule. This statement shall be filed in the dealer's office where the tax audit is to be made.

(4) A tax exemption cannot be allowed when motor vehicle fuel is lost under the following conditions:

- (a) Fuel lost from storage tanks which are directly connected by means of a pipe line to retail service station pumps, or fuel over which the licensed dealer no longer retains complete control; or

(b) Fuel claimed to have been lost from spillage, leaky valves, loose connections, unloading mishaps, leaky or defective storage tanks, etc., where the nature of the loss is such that it cannot be positively established that an actual loss did occur and the exact quantity cannot be determined.

(5) In all cases where employers, agents, carriers, or other persons fail to account satisfactorily or completely for motor vehicle fuel and are charged by the dealer with the value of the product, such transactions shall be included in the computation of the license tax.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.010  
 Hist.: MV 22, f. 2-15-63; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0300; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0110**

**Evidence Demonstrating that a Dealer did not Intend to Avoid Paying Taxes for Purposes of Determining the Bond Amount**

(1) For purposes of Oregon Law 2003, Chapter 52, Section 4, the following constitutes evidence that a dealer did not intend to avoid payment of license taxes if the conduct described in Oregon Laws 2003, Chapter 52, Section 4 was due to:

- (a) Error on the part of the dealer’s financial institution where the dealer can show that such error was not attributable to the dealer;
- (b) An Act of God or natural disaster, i.e., earthquake, flood, fire, severe weather conditions;
- (c) An act of war or terrorism;
- (d) Medial emergencies resulting in incapacitation of key personnel responsible for reporting and remitting taxes;
- (e) Mail theft, errors or other actions committed by the mail carrier or another party after the tax report or tax payment leaves the dealer’s control or possession; or
- (f) Other evidence or explanations presented by the dealer demonstrating to the satisfaction of the ODOT Fuels Tax Group that the dealer’s conduct as described in Oregon Laws 2003, Chapter 52, Section 4, was not intentional or purposely designed to avoid payment of license tax.

(2) If the conduct described in Oregon Laws 2003, Chapter 52, Section 4 was due to carelessness, negligence, inattention or disregard of duties on the part of the dealer or their staff, the ODOT Fuels Tax Group will not grant a waiver of the bond increase.

(3) The dealer shall present a written request for waiver of the bond increase and all related evidence to support the request, to the ODOT Fuels Tax Group within 30 days of the date of notice of bond increase. The ODOT Fuels Tax Group will respond to the waiver request within 30 days of receipt.

Stat. Auth.: ORS 184.616, 184.619 & OL 2003, Ch. 307(2)  
 Stats. Implemented: OL 2003, Ch. 307(2)  
 Hist.: DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0120**

**Notice of Suspension/Revocation — Method of Delivery**

(1) Each licensed dealer shall provide the ODOT Fuels Tax Group, by mail, with an address and contact information for the purpose of notification of license suspension under ORS 319.100(4) and Oregon Laws 2003, Chapter 113, Section 2(2)(b) (effective 1-1-04).

(2) The address and contact information as described in section (1) of this rule may be in the form of a postal address or an e-mail address, and a telephone contact.

(3) Not later than the first business day following suspension or revocation of an Oregon Motor Vehicle Fuel dealer license, the ODOT Fuels Tax Group will serve official notice to license dealers as follows:

- (a) The Group will telephone fuel suppliers listed on the most recent tax report of the suspended or revoked dealer.
- (b) The Group will notify all licensed dealers of the suspension or revocation at the postal address or e-mail address provided by each dealer.

(4) Each licensed dealer will notify the ODOT Fuels Tax Group of any change of address or contact information for the purpose of serving notices of suspension or revocation. The information most recently received by the Group from each licensed dealer will be the information that fulfills the Department’s notice requirements of Oregon Laws 2003, Chapter 113, Section 2(2)(b) (effective 1-1-04).

Stat. Auth.: ORS 184.616, 184.619 & OL 2003, Ch. 307(2)  
 Stats. Implemented: OL 2003, Ch. 307(2)  
 Hist.: DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0130**

**Motor Vehicle Fuel Tax Credit of Interest on Tax Overpayments**

(1) The ODOT Fuels Tax Group may allow interest credit for overpayments of motor vehicle fuel tax up to the amount of interest paid for underpayments of tax during any given audit period.

(2) For purposes of ORS 319.180(5)(b) and this rule, “any given audit period” means the time period from the last day of the immediate prior audit period up to the present. If there is no prior audit, “any given audit period” shall mean a period not to exceed three years from the current date.

(3) Any interest payments made on underpayments of tax from a prior audit period shall not be:

- (a) Considered as interest on overpayments in the current audit period; or
- (b) Subject to credit under ORS 319.180(5)(b).

Stat. Auth.: ORS 184.616, 184.619 & 319.180  
 Stats. Implemented: ORS 319.180  
 Hist.: MV 37-1987, f. 12-7-87, ef. 1-1-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0755; Renumbered from 735-174-0060 by DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-170-0140**

**Motor Vehicle Tax Refunds to License Oregon Motor Vehicle Fuel Dealers for Uncollectible Accounts**

(1) Application for refunds to licensed dealers for taxes paid attributable to uncollectible accounts pursuant to Oregon Laws 2003, Chapter 307, Section 2 (effective 1-1-04) shall be made on Amended Oregon Motor Vehicle Tax Report Forms 1302MA, 1302AA, or 1302JA as appropriate to the type of fuel for which tax is to be refunded. Gallons attributable to the uncollectible accounts shall be entered on line 8 of the form.

(2) The dealer must submit the following in order to support the claim:

- (a) Form 1306, listing the detail fuel loads for which the refund is claimed;
- (b) A copy of the original Form 1302 and supporting Schedule 5.1, 5.2 or 5.3 on Form 1305 that includes the fuel loads for which the refund is claimed;
- (c) Invoices supporting the fuel sales being claimed as uncollectible;
- (d) A statement showing the name and address of the purchaser of the fuel;
- (e) A statement, signed by the licensed dealer, describing what actions have been taken to collect on the account and why the account is now uncollectible;
- (f) A statement, signed by the licensed dealer, that the dealer has not previously received a refund from ODOT for motor vehicle fuel taxes not paid by the same purchaser;
- (g) Certification that the debt meets Internal Revenue Service standards for deductibility; and
- (h) Any additional supporting evidence, such as bankruptcy notices or other public notices, that support the account being uncollectible.

(3) Upon review and approval of the application for refund, the ODOT Fuels Tax Group shall issue the refund within 90 days after the date of approval.

Stat. Auth.: ORS 184.616, 184.619 & OL 2003, Ch. 307(2)  
 Stats. Implemented: OL 2003, Ch. 307(2)  
 Hist.: DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**DIVISION 174**

**FUEL TAX REFUNDS AND PENALTIES**

**735-174-0000**

**General Provisions for Fuels Tax Refunds**

(1) “ODOT Fuels Tax Group” means the organizational unit within Financial Services, Central Services Division of the Oregon Department of Transportation that is primarily charged with the administration of ORS 319.010 through 319.880 on behalf of the State of Oregon.

(2) Motor Vehicle Fuel — Gasoline. The Oregon law provides that any person who has purchased motor vehicle fuel and who has paid any tax, either directly or indirectly, levied under the provisions of ORS 319.010 through 319.430, shall be entitled to a refund when



such motor vehicle fuel is exported from the state (under certain conditions) or is used by the claimant for certain purposes. To obtain the refund, the claim must be filed within the prescribed time limits in ORS 319.290 on forms supplied by the ODOT Fuels Tax Group. The claim must be accompanied by the original invoices or reasonable facsimiles approved by the ODOT Fuels Tax Group, showing purchase of the fuel.

(3) Special fuels — Diesel Oil, Propane, etc. Use Claim Form 1200. The Oregon Use Fuel Tax Law, ORS 319.510 through 319.880 authorizes refund of any tax paid in the same manner and subject to substantially the same conditions as is provided for gasoline. Vehicles subject to, and for which operators report and pay mileage taxes to the Oregon Department of Transportation in accordance with the weight group rates prescribed in ORS 767.815 through 767.825, are exempt from the use fuel tax and, because no tax is paid, a refund of tax is not applicable.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.280, 319.320 & 319.831  
 Hist.: MV 24, f. 8-22-63, ef. 9-2-63; MV 25, f. 8-3-65; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0701; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-174-0010  
 Tax Refunds on the Use of Gasoline and Other Motor Vehicle Fuels**

(1) General Use and Export Claims, Form 1200, shall be used for all claims for export or refundable use defined in ORS 319.280 and 319.320. Claims based on the export of fuel out of Oregon will be allowed only if the person claiming the refund holds a valid motor vehicle fuel dealer's license, or equivalent, issued by the state, territory or country to which the fuel is exported and where it is unloaded. The ODOT Fuels Tax Group may require claimants to submit proof of such a license.

(2) Aircraft Fuel Use. Form 1203 shall be used for all claims for fuel used in aircraft. Most sellers of aircraft fuel are licensed to acquire and to sell such fuel including only the rates of tax applicable to aircraft fuel provided in ORS 319.020(2). These rates of tax are not refundable except as provided in ORS 319.330.

(3) Licensed Dealer Claims. Instead of filing refund claims, a licensed dealer in motor vehicle fuel may enter the gallons of motor vehicle fuel on Form 1306, Miscellaneous Deduction Schedule, included with the monthly tax report Form 1302. In doing so, all requirements pertaining to refund claims must be complied with.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.280 & 319.330  
 Hist.: MV 24, f. 8-22-63, ef. 9-2-63; MV 25, f. 8-3-65; MV 33, f. 9-12-67, ef. 9-13-67; MV 48, f. 10-5-72, ef. 10-15-72; MV 53, f. 2-20-74, ef. 3-11-74; MV 4-1980, f. & ef. 3-4-80; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0706; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-174-0020  
 Records and Invoice Requirements**

(1) The law requires a claimant to keep records sufficient to substantiate the accuracy of a claim. Failure of the claimant to maintain required records or to allow examination of them constitutes a waiver of all rights to the refund.

(2) The following rules shall govern records maintained to support refund claims:

(a) Highway and Non-Highway Use of Fuel from Common Storage. Fuel purchased and delivered into bulk storage for use in vehicles on public roads and for non-highway use, must be fully accounted for by detail withdrawal records to accurately show the manner in which used. This record must be available for inspection upon request by the ODOT Fuels Tax Group. Any fuel on hand (by actual measurement) should be deducted from a claim and should be reported as an opening inventory on the next claim. Credit for the inventory will be allowed on the next claim if it is filed within 15 months from the filing date of the claim which established the inventory. All invoices for the total fuel purchased must be submitted with each claim. (For an exception see subsection (2)(g) of this rule.) Gasoline Consumption Report, Form 1223, is available upon request for recording fuel withdrawn from bulk storage;

(b) Highway and Non-Highway Use of Fuel from Separate Storage. If separate storage tanks are maintained for non-highway use and for public road use the invoices should be so marked, at the time of delivery, to identify the storage into which the fuel was delivered and

no further detail record will be required. Inventories must be reported and all invoices submitted. Fuel may not be used from the "non-highway" tank for licensed vehicles. To do so invalidates this method of determining refundable gallonage;

(c) Use of Fuel from Restricted Use Storage. Special storage facilities in the woods, or in farm fields, or for other uses for certain periods, should be identified and explained. If such storage is used entirely for non-highway purposes (not including licensed vehicles) no record will be required, other than purchase invoices showing delivery into such storage. Inventory at end of claim period should be reported;

(d) Fuel Purchased for Other than Bulk Storage. Fuel purchased in small containers for non-highway use only (boats, tractors, etc.) should be so identified on the purchase invoice and no further record will be required;

(e) Resellers. Service Stations, marinas, etc., must prepare a separate and complete invoice for each withdrawal of fuel for their own use upon which a refund is to be claimed, or a detailed withdrawal record must accompany the claim supported by sufficient purchase invoices to cover gallons claimed. Refund cannot be paid to vendors on sales to others;

(f) Proof of Highway Use. When no highway use deduction is made from invoices attached to the claim, claimant should be prepared to show additional invoices or other proof of purchase of public road fuel upon request of the ODOT Fuels Tax Group;

(g) Persons claiming tax refund on fuel exported to another state in the fuel supply tank of a motor vehicle are not required to attach fuel purchase invoices to the claim:

(A) All such claims must be accompanied by evidence of payment of tax to another state and information for each vehicle showing the source of all fuel used, the total number of miles traveled, and the miles traveled in each state;

(B) When all vehicles operated are similar in size, fleet totals may be used instead of individual vehicle information.

(h) A person or agency, other than a farmer, who operates a motor vehicle on and off the public highway may claim a refund of the Oregon tax on the fuel used to operate the vehicle as is designated in ORS 319.320(1). The refund can be approved only if the claimant has maintained the following records:

- (A) The total miles operated on and off the public highways;
- (B) The total gallons of fuel used in the vehicle; and
- (C) The source of the fuel used in the vehicle.

(i) On claims covering the operation of motor vehicles entirely over roads or property subject to refund, no record will be required other than that necessary to show source and number of gallons of fuel used;

(j) A farmer, as defined by ORS 319.320(4), may claim a refund of the tax on the fuel which is used in a licensed motor vehicle, for farm purposes, when operating over roads or property in private ownership, if required records are maintained. All such claims must be supported by the following information:

(A) The total number of highway miles operated by each licensed motor vehicle, including private passenger cars;

(B) Total gallons of fuel used in each vehicle. To include both refund and non-refund use;

(C) Purchase invoices supporting all fuel handled through bulk storage, as well as all fuel purchased at service stations, or received from other sources. Highway use for each vehicle may be determined by actual measurement, or may be computed by dividing the average miles per gallon highway operation consumption rate into the number of highway miles operated.

(3) Requirements covering invoices submitted in support of fuel tax refund claims:

(a) Each invoice, or reasonable facsimile approved by the ODOT Fuels Tax Group, submitted with a claim must be the original issued at the time of purchase, (cumulative invoices, statements, or receipts are not acceptable);

- (b) Each invoice must show the following:
  - (A) Complete date of sale, month, day, and year;
  - (B) Name and complete address of seller (city and state);
  - (C) Purchaser's name (Cash, boat number, etc., will not qualify);
  - (D) Kind of fuel and number of gallons purchased (Gasoline, pressure appliance fuel, etc.); and

(E) Price per gallon purchased and dollar amount extended, clearly indicating that Oregon tax was included in the price.

(c) The seller shall void any invoice on which an error has been made. If correction of an invoice is necessary, it should be marked "void," and a new invoice must be issued showing the number and date of the voided or replaced invoice. Both invoices must be submitted with the claim, except when the seller is a licensed dealer in motor vehicle fuel. In that case the voided invoice should be placed on file in the dealer's office where the periodical tax audit is to be made;

(d) The original invoice shall be returned to the supplier when fuel is returned for credit. When only a portion of the fuel covered by an invoice is returned and claim for refund of tax is to be made on the unreturned portion, the invoice shall be returned to the seller and a new invoice obtained for the unreturned gallons. The new invoice shall show reference to the number and date of the surrendered invoice.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.280  
 Hist.: MV 24, f. 8-22-63, ef. 9-2-63; MV 25, f. 8-3-65; MV 13-1986, f. & ef. 9-2-86; MV 7-1988, f. & cert. ef. 2-29-88; Administrative Renumbering 3-1988, Renumbered from 735-011-0716; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-174-0030**

**Rules and Special Requirements for Fuel Tax Refunds**

- (1) Signatures Required on Refund Claims:
  - (a) Individuals must sign their own claims;
  - (b) A partnership claim may be signed by any one of the partners;
  - (c) Claims of business firms or corporations must be signed by an authorized agent;
  - (d) Accountants and other persons assisting in preparation of claims must also sign in the space provided.

(2) Normally the "Buyer and User" is the person entitled to the refund and is the person or firm named on the invoice. Claims should be made out in the same name as that shown on the invoices. If it is desired to have a claim paid in a name differing from that shown on the purchase invoice, attach a letter of authorization Form 1209 signed by the person to whom the invoice was issued.

(3) Power take-off fuel use in motor vehicles as described in ORS 319.280:

(a) The refund formula in ORS 319.280(2)(b) does not apply to garbage trucks with power take-off which operates only a dump box, hoist, or other type of lift;

(b) Claims must be accompanied by valid purchase invoices to cover the total gallons of motor vehicle fuel (gasoline) purchased. Service station purchase invoices should identify each vehicle by showing the vehicle license plate number;

(c) When gasoline is drawn from the claimant's bulk storage, a detailed record must be kept of all withdrawals, together with beginning and ending inventories, so that a complete accounting may be made of all fuel handled;

(d) A summary, showing beginning inventory, receipts, withdrawals, loss or gain, and ending inventory, is to be shown on the claim form in the space provided;

(e) Claimant must also maintain records to show the total gallons of gasoline used in each vehicle and the total miles operated by each vehicle;

(f) Claimants who operate petroleum delivery trucks must maintain records to show the total gallons of petroleum products pumped by each vehicle using power take-off equipment, together with supporting delivery meter readings;

(g) Each such refund claim is to be made on Fuels Tax Refund Claim, Form 1200, and must be accompanied by Work Sheet, Form 1200-A. This will be in addition to schedules or work sheets required for other refundable use or equipment.

(4) Auxiliary Engines. Fuel used in an auxiliary engine mounted on a licensed motor vehicle (ready mix concrete, refrigeration or air conditioning units, etc.), is considered refundable use if fuel for the auxiliary engine is supplied from a fuel tank, other than the fuel tank which supplies the engine propelling the vehicle. Estimates of refundable use do not qualify for refund. When separate fuel tanks are used, a record of the gallons of fuel delivered into each tank must be kept and purchase invoices covering both tanks must accompany the claim.

- (5) Use or disposition of fuel which is not subject to refund:
  - (a) Fuel sold, lost, destroyed, stolen, or given away;
  - (b) Fuel used with respect to which no tax has been paid to the State of Oregon;

(c) Fuel used to operate motor vehicles upon public highways with certain exceptions;

(d) Fuel used to operate licensed motor vehicles upon both refundable and nonrefundable roads or property where complete mileage and fuel records required by law and administrative rule are not maintained;

(e) Fuel used in snowmobiles or other unlicensed motor vehicles, unless operated on private land.

Stat. Auth.: ORS 184.616, 184.619 & 319.010 - 319.880  
 Stats. Implemented: ORS 319.280  
 Hist.: MV 24, f. 8-22-63, ef. 9-2-63; MV 26, f. 12-8-65; MV 42, f. 8-15-69; MV 45, f. 8-12-70, ef. 9-11-70; MV 53, f. 2-20-74, ef. 3-11-74; MV 13-1986, f. & ef. 9-2-86; Administrative Renumbering 3-1988, Renumbered from 735-011-0725; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**735-174-0040**

**Tax Refunds on Use of Gasoline and Other Motor Vehicle Fuels in Motor Boats**

(1) The refund of tax on fuel used in motor boats is limited to boats used for commercial purposes.

(2) The ODOT Fuels Tax Group shall consider the use of fuel in motor boats for commercial purposes to include the following:

- (a) Commercial fishing.
- (b) Charter boat operations.
- (c) Log pond operations.
- (d) Mail boat operations.
- (e) Tourist boat operations.
- (f) Any other type of operation which the ODOT Fuels Tax Group may determine to be commercial use.

Stat. Auth.: ORS 184.616, 184.619 & 319.280  
 Stats. Implemented: ORS 319.280  
 Hist.: MV 20-1985, f. 12-30-85, ef. 1-1-86; Administrative Renumbering 3-1988, Renumbered from 735-011-0735; DMV 18-2003, f. 12-12-03 cert. ef. 1-1-04

**DIVISION 176**

**USE FUEL TAX**

**735-176-0000**

**Definitions**

(1) "Dual Operations Facility" means a non-retail facility where fuels are dispensed at retail and non-retail with either a time separation of the retail and non-retail operations or a separation of the retail and non-retail pump islands by a distance as approved by the Oregon State Fire Marshal.

(2) "Non-retail facility" means an unattended facility where Class 1 flammable liquids are dispensed through a card or key activated fuel dispensing device to non-retail customers as defined in ORS 480.310(2).

(3) "ODOT Fuels Tax Group" means the organizational unit within the Financial Services, Central Services Division of the Oregon Department of Transportation that is primarily charged by the Division with the administration of ORS 319.010 through 319.880 on behalf of the State of Oregon.

(4) "User" or "user of fuel in a motor vehicle" as used in ORS 319.510 through 319.880 and OAR chapter 735, division 176, means a person as defined in ORS 319.520(8) who uses fuel in a motor vehicle as defined in ORS 319.520(11). "User" or "user of fuel in a motor vehicle" shall also include, but not be limited to, a lessor who allows a motor vehicle to operate on the highways of this state and allows the lessee to use fuel in that motor vehicle.

Stat. Auth.: ORS 184.616, 184.619 & 319.510 - 319.880  
 Stats. Implemented: ORS 319.510 - 319.880  
 Hist.: MV 22, f. 2-15-63; MV 4-1980, f. & ef. 3-4-80; MV 24-1981, f. 10-30-81, ef. 11-1-81; MV 3-1982, f. & ef. 1-4-82; MV 13-1986, f. & ef. 9-2-86; Administrative Renumbering 3-1988, Renumbered from 735-012-0010; DMV 3-2004, f. & cert. ef. 1-15-04

**735-176-0010**

**Use Fuel Seller Requirements — Except for Sellers as Defined in ORS 319.520(9)(b)**

(1) Seller License. Sellers of fuel who do not sell for use in a motor vehicle are not required to be licensed. They must, however, maintain records of fuel manufactured, purchased, handled, and distributed or sold and must preserve them for three years.

(2) Collecting Tax on Sales.

(a) Persons who sell fuel into the fuel tanks of motor vehicles, except for sellers of fuel at non-retail facilities as defined in ORS

319.520(9)(b), shall collect the Oregon tax at the time of sale except for sales into:

(A) Vehicles displaying a valid ODOT Motor Carrier Transportation Division weight receipt or pass;

(B) Vehicles displaying a valid use fuel vehicle emblem issued by ODOT Fuels Tax Group;

(C) Vehicles displaying a United States Government license plate or the registration plate for a government owned vehicle issued registration pursuant to ORS 805.040 or a school bus or school activity vehicle issued registration pursuant to ORS 805.050;

(D) Farm tractors or other agricultural implements only incidentally operated on the highway as defined in ORS 319.520(6); and

(E) Cans, barrels, or containers other than the fuel supply tank of a motor vehicle.

(b) If the tax is not collected, pursuant to the exception under subsection (2)(a) of this rule, the seller shall show on the sales invoice:

(A) The U.S. Government plate number;

(B) The registration plate number for a government owned vehicle issued registration pursuant to ORS 805.040 or a school bus or school activity vehicle issued registration pursuant to ORS 805.050;

(C) The ODOT Motor Carrier Transportation Division weight receipt or pass number;

(D) ODOT use fuel emblem number; or

(E) Notation of delivery into farm equipment, can or barrel.

(3) Record Requirements. Every seller of fuel for use in a motor vehicle shall maintain and keep records for a period of three years as follows:

(a) A purchase journal or other record of fuel received supported by purchase invoices;

(b) A stock summary of all bulk fuel storage showing the gallons of fuel handled during each month with an analysis as to inventories, receipts, sales, use, transfers, and loss or gain;

(c) A physical inventory of bulk fuel storage shall be recorded at least at the end of each month and preserved for audit purposes;

(d) A record shall be kept of each sale or other withdrawal of fuel from bulk storage. An invoice is not required to be prepared for fuel delivered into the fuel tank of a vehicle with a combined gross weight of 26,000 pounds or less, for which the tax is paid at the time of sale, unless the operator of the vehicle requests an invoice; and

(e) Invoices upon which tax collections are recorded shall be kept separate and apart from other sales invoices.

Stat. Auth.: ORS 184.616, 184.619 & 319.510 - 319.880

Stats. Implemented: ORS 319.621, 319.665 & 319.697

Hist.: MV 22, f. 2-15-63; MV 24, f. 8-22-63, ef. 9-2-63; MV 48, f. 10-5-72, ef. 10-15-72; MV 4-1980, f. & ef. 3-4-80; MV 23-1981, f. 10-30-81, ef. 11-1-81; MV 13-1986, f. & ef. 9-2-86; Administrative Renumbering 3-1988, Renumbered from 735-012-0010; MV 49-1989, f. 11-16-89, cert. ef. 1-1-90; DMV 3-2004, f. & cert. ef. 1-15-04

### 735-176-0015

#### Use Fuel Seller Requirements — For Sellers as Defined in ORS 319.520(9)(b)

(1) A seller, identified by ORS 319.520(9)(b), who sells fuel at non-retail facilities in Oregon and does not collect the tax from a purchaser whose account is owned by the seller, must retain written certification signed by the purchaser on forms approved by the Oregon Department of Transportation that the use of the fuel is exempt from the tax imposed under ORS 319.530. The form will contain:

(a) The name and address of the purchaser;

(b) The reason that the Use Fuel tax should not be collected by the seller; and

(c) A statement from the purchaser that for all Use Fuel purchased at Oregon non-retail facilities on account with the seller, such fuel will be used only for purposes that are exempt from Use Fuel taxation under ORS 319.510 through 319.880.

(2) A seller, identified by ORS 319.520(9)(b), who sells fuel at non-retail facilities in Oregon and does not collect the tax from a purchaser whose account is not owned by the seller, must provide, upon request of the ODOT Fuels Tax Group, the account number of the purchaser and the name and address of the non-retail seller who owns the account.

(3) Sellers, identified by ORS 319.520(9)(b), who do not operate non-retail facilities in Oregon but who own accounts of purchasers who purchase fuel at Oregon non-retail facilities, must be licensed with the ODOT Fuels Tax Group and are required to comply with all of the provisions of ORS 319.510 through 319.880 and this rule.

Stat. Auth.: ORS 184.616, 184.619 & 319.510 - 319.880

Stats. Implemented: ORS 319.520 & 319.665

Hist.: DMV 3-2004, f. & cert. ef. 1-15-04

### 735-176-0018

#### Special Situations — Dual Operations Facilities

(1) For Dual Operations Facilities where retail and non-retail operations are differentiated by a physical separation of the retail and non-retail pump islands at a distance required by the State Fire Marshal:

(a) All Use Fuel tax procedures for fuel dispensed from the non-retail facilities unattended by the owner, employees, or other agents of the owner of the non-retail facilities shall be made pursuant to OAR 735-176-0015.

(b) All Use Fuel tax procedures for fuel dispensed from the retail facilities shall be made pursuant to OAR 735-176-0010.

(2) For Dual Operations Facilities where retail and non-retail operations are differentiated by a time separation of retail and non-retail operations from the same pumps:

(a) All Use Fuel tax procedures for fuel dispensed from the facilities during time periods where non-retail operations are permitted by the State Fire Marshal shall be made pursuant to OAR 735-176-0015.

(b) All Use Fuel tax procedures for fuel dispensed from the facilities during time periods where retail operations are required by the Oregon State Fire Marshal shall be made pursuant to OAR 735-176-0010.

Stat. Auth.: ORS 184.616, 184.619 & 319.510 - 319.880

Stats. Implemented: ORS 319.520 & 319.665

Hist.: DMV 3-2004, f. & cert. ef. 1-15-04

### 735-176-0020

#### Use Fuel User Requirements

(1) License Requirements:

(a) Persons who use fuel as defined in ORS 319.520(4) in a motor vehicle, except those excluded in ORS 319.550 must first apply for and obtain a user license and a vehicle emblem for each vehicle;

(b) User licenses are issued on a permanent or on a temporary basis as required and are generally issued without a faithful performance bond;

(c) Emblems are issued for specific vehicles on an annual basis or for temporary periods up to 30 days; and

(d) The law imposes a mandatory penalty of 25 percent of the tax for using fuel without first obtaining a valid license or vehicle emblem.

(2) Record Requirements. Every user of fuel, except those who operate a vehicle with a light weight of 8,000 pounds or less, shall maintain and keep the following records:

(a) A purchase journal or other record of fuel received supported by purchase invoices;

(b) A record of the number of miles traveled over Oregon highways;

(c) If fuel is purchased in bulk, a stock summary of fuel handled during each month with an analysis as to inventories, receipts, sales, use, transfers, and loss or gain;

(d) If fuel is stored in bulk, a physical inventory shall be taken at least at the end of each month and preserved for audit purposes;

(e) All required records shall be kept within the State of Oregon and preserved for a period of three years; and

(f) In the event the auditor for the state is, at any time, required to be outside of Oregon in order to examine such records, it will be required that the licensee reimburse the state for travel expense, including transportation, meals, and lodging costs incurred by said auditor.

(3) Tax reports:

(a) Every licensed user of fuel who operates a vehicle which is subject to the Use Fuel Tax Law is required to file a monthly report of miles operated and fuel used, except that:

(A) Users with a monthly tax obligation of less than \$300 are authorized to file quarterly reports; and

(B) Licensed users who operate a vehicle of 8,000 pounds light weight or less may file an annual report. Users of fuel in this classification may keep an accurate record of Oregon highway miles operated and compute the gallons of fuel used by applying a reasonable miles per gallon figure.

(b) Licensed users who have paid any Oregon tax on fuel purchased from Oregon sellers of fuel should detail such purchases in

Schedule 2 of the tax report form and treat such transactions as credits against their total tax liability;

(c) Tax report due dates are as follows:

(A) Monthly reports on 20th day of next calendar month;

(B) Quarterly tax reports:

(i) First Calendar Quarter — April 20;

(ii) Second Calendar Quarter — July 20;

(iii) Third Calendar Quarter — October 20;

(iv) Fourth Calendar Quarter — January 20.

(C) Annual reports: March first of following year.

Stat. Auth.: ORS 184.616, 184.619 & 319.510 - 319.880

Stats. Implemented: ORS 319.550, 319.690, 319.692 & 319.697

Hist.: MV 24, f. 8-22-63, ef. 9-2-63; MV 48, f. 10-5-72, ef. 10-15-72; MV 4-1980, f. & ef. 3-4-80; Administrative Renumbering 3-1988, Renumbered from 735-012-0036; MV 49-1989, f. 11-16-89, cert. ef. 1-1-90; DMV 3-2004, f. & cert. ef. 1-15-04

### 735-176-0030

#### Use Fuel Tax Waiver of Late Payment Penalties

(1) ORS 319.694(2) allows the ODOT Fuels Tax Group to waive penalties for late payment of use fuel tax.

(2) An entity or a person may submit a written request for waiver of late payment penalties to the ODOT Fuels Tax Group.

(3) Upon receipt of a written request for waiver of late payment penalties, the ODOT Fuels Tax Group shall use the following criteria to determine if there was reasonable cause for the late payment and no intent on the part of the taxpayer to avoid payment:

(a) Timely filing of past tax reports and tax payments by the licensee;

(b) Accuracy of past tax reports by the licensee;

(c) Audit findings of prior audits conducted upon licensee; and

(d) Any other criteria the ODOT Fuels Tax Group may find to be informative and appropriate.

Stat. Auth.: ORS 184.616, 184.619 & 319.694

Stats. Implemented: ORS 319.694

Hist.: MV 37-1987, f. 12-7-87, ef. 1-1-88; Administrative Renumbering 3-1988, Renumbered from 735-012-0045; DMV 3-2004, f. & cert. ef. 1-15-04

### 735-176-0040

#### Use Fuel Tax Credit of Interest on Tax Overpayments

(1) The ODOT Fuels Tax Group may allow interest credit for overpayments of use fuel tax up to the amount of interest paid for underpayments of tax during any given audit period.

(2) For purpose of ORS 319.694(3)(b) and this rule, "any given audit period" means the time period from the last day of the immediate prior audit period up to the present. If there is no prior audit, "any given audit period" shall mean a period not to exceed three years from the current date.

(3) Any interest payments made on underpayments of tax from a prior audit period shall not be:

(a) Considered as interest on overpayments in the current audit period; or

(b) Subject to credit under ORS 319.694(3)(b).

Stat. Auth.: ORS 184.616, 184.619 & 319.694

Stats. Implemented: ORS 319.694

Hist.: MV 37-1987, f. 12-7-87, ef. 1-1-88; Administrative Renumbering 3-1988, Renumbered from 735-012-0055; DMV 3-2004, f. & cert. ef. 1-15-04