



PERMANENT ADMINISTRATIVE ORDER

DMV 19-2021

CHAPTER 735
DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-018-0010, 735-018-0165, 735-062-0060, 735-062-0125

AMEND: 735-018-0010

RULE TITLE: Definitions

NOTICE FILED DATE: 06/29/2021

RULE SUMMARY: DMV updated this rule to clarify that the definition of "electronic transaction" includes the submission of an electronic record or signature by an applicant to complete a DMV transaction and to update the definition of "DMV's website" to include <https://DMV2U.oregon.gov>.

RULE TEXT:

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) "DMV's Website" means DMV's Internet address at <http://www.oregon.gov/ODOT/DMV> and <https://DMV2U.oregon.gov>.
- (3) "Electronic record" means a document or information created, generated, sent, communicated, received or stored by electronic means.
- (4) "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.
- (5) "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, including the submission of an electronic record or signature by an applicant to complete a DMV transaction; 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, authorizations and any other record that is issued under a signature.

(f) This section (5) does not apply to informational publications and informal communications.

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

(7) "Hyperlink" means a connection to or within electronic documents or from one webpage to another webpage, or file using a computer programming language or user interface.

(8) "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.

(9) "Person" means an individual.

(10) "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.

(11) "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.

(12) "Record" means a document or information that is customarily printed on paper, which contains information relating to and evidencing the transaction of business between a person or an organization and DMV.

(13) "Unique identifier" means a number, name, symbol, answers to security questions 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.

(14) "Webpage" means an electronic document created with a computer programming language or user interface that can be accessed through an online interface or the Internet and displayed on a device such as a computer monitor or mobile device.

(15) "Website" means a group of interrelated webpages, associated files or computer application systems hosted on a web server accessed through the Internet or an online interface.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 406.073, 802.010, 802.012, 803.460

STATUTES/OTHER IMPLEMENTED: ORS 406.073, 802.012, 802.560, 803.200, 803.220, 803.360, 803.370, 803.450, 803.460, 807.420, 807.560

ADOPT: 735-018-0165

RULE TITLE: Renewal of Real ID or Non-Real ID Driver License, Driver Permit or Identification Card by Electronic Transaction at DMV's Website

NOTICE FILED DATE: 06/29/2021

RULE SUMMARY: DMV adopted this rule to renew a Real ID and Non-Real ID driver license, driver permit or identification card by electronic transaction at DMV's website.

RULE TEXT:

- (1) DMV may issue a renewed driver license, driver permit or identification card applied for by electronic transaction with the previous photograph on file if the applicant meets all eligibility requirements set forth in this rule and is not ineligible as provided in this rule.
- (2) An applicant may renew a Real ID or non-Real ID driver license, driver permit or identification card by electronic transaction at DMV's website, in accordance with this rule. To be eligible for renewal by electronic transaction at DMV's website, the applicant must qualify for the driver license, driver permit or identification card for which the applicant is applying, meet all requirements provided in this rule and satisfy the requirements set forth in ORS 807.150.
- (3) DMV may renew a driver license, driver permit or identification card applied for by electronic transaction at DMV's website if an applicant:
 - (a) Submits a completed electronic transaction renewal driver license, driver permit or identification card application, which must include:
 - (A) The last six digits of the applicant's social security number (SSN) or:
 - (i) For a non-Real ID driver license, driver permit or identification card, a certification that the applicant has not been assigned a SSN; or
 - (ii) For a Real ID compliant driver license, driver permit or identification card, a certification that the applicant is not eligible for a SSN.
 - (B) An indication as to whether or not the applicant wants to make an anatomical gift, as defined in ORS 97.953; and
 - (C) Completed medical fitness questions as described in Section (4) of this rule.
 - (b) Pays the required fee:
 - (A) As described in ORS 807.370 for renewing a driver license or driver permit, using the method prescribed in OAR 735-018-0070; or
 - (B) As described in ORS 807.410 for renewing an identification card, using the method prescribed in OAR 735-018-0070.
- (4) DMV may not accept an application for renewal of a driver license or driver permit by electronic transaction from an applicant who answers "yes" to any of the following medical fitness questions:
 - (a) "Do you have a vision condition or impairment that has not been corrected by glasses, contacts or surgery that affects your ability to drive safely?"
 - (b) "Do you have any physical or mental conditions or impairments that affect your ability to drive safely?"; or
 - (c) "Do you use alcohol, inhalants, or controlled substances to a degree that affects your ability to drive safely?"
- (5) An applicant who is denied renewal of driving privileges under section (4) of this rule must apply in person at a local DMV office.
- (6) An applicant who updates their residence address as part of the electronic transaction renewal application must upload proof of current residence address, as defined in OAR 735-062-0030.
- (7) In addition to the certifications described in OAR 735-018-0040, an applicant who submits an application by electronic transaction for renewal of any driver license, driver permit or identification card is certifying that the applicant:
 - (a) Is, at the time of application, a resident of or domiciled in Oregon as described in ORS 807.062;
 - (b) Is, to the best of the applicant's knowledge, not suspended, canceled or revoked in Oregon or any other jurisdiction;
 - (c) Qualifies for the driving privilege or identification card being applied for;

- (d) Understands that it is a crime under ORS 807.520 and 807.530 to knowingly make a false application for driving privileges or identification; and
- (e) Understands that once the applicant submits the application for renewal of a driver license, driver permit or identification card, the current driver license, driver permit or identification card is invalid and must be destroyed by the applicant, as described in ORS 807.150.
- (8) An applicant applying for a renewed driver license, driver permit or identification card by electronic transaction may not change or add any restrictions or endorsements contained on the driver license, driver permit or identification card.
- (9) DMV may not issue a renewed driver license, driver permit or identification card under this rule if:
 - (a) The applicant's most recent photograph on file with DMV is more than nine years old.
 - (b) The applicant is a commercial driver license holder who has certified a driving type of excepted interstate and the commercial driver license contains a K restriction.
 - (c) The applicant's driver license contains a farm endorsement.
 - (d) The applicant's commercial driver license contains a hazardous materials endorsement.
 - (e) The applicant's previous driver license or driver permit was issued using the valid without photograph process provided in OAR 735-062-0120.
 - (f) The applicant is applying for a REAL ID driver license or identification card and during the previous issuance the applicant was not eligible for an SSN.
- (10) Before issuing a renewed driver license or driver permit, DMV will make an inquiry to the National Driver Registry (NDR)/Problem Driver Pointer System (PDPS), Commercial Driver License Information System (CDLIS) and State Pointer Exchange System (SPEXS)/State to State (S2S) services to determine if the applicant's driving privileges are suspended, revoked, canceled or otherwise not valid in any other jurisdiction.
- (11) Before issuing a renewed driver license, driver permit or identification card by electronic transaction, DMV will make an inquiry using the S2S service to determine if the applicant holds a driver license, driver permit or identification card issued by another jurisdiction.
- (12) DMV will not renew a driver license, driver permit or identification card if the applicant holds a driver license, driver permit or identification card issued by another state that was issued after the previous Oregon driver license, driver permit or identification card was issued.
- (13) A driver license, driver permit or identification card renewed by electronic transaction is mailed to the address in DMV's record at the time the applicant applies for the renewal by electronic transaction.
- (14) An applicant applying for a renewal by electronic transaction may not request a re-issue or replacement driver license, driver permit or identification card, using either DMV's website or in a field office, for 20 days after the date the applicant submits the electronic transaction renewal application.
- (15) An applicant in the United States for a temporary length of stay is not eligible to renew the applicant's limited term driver license, limited term driver permit or limited term identification card using the electronic transaction application process.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 802.012

STATUTES/OTHER IMPLEMENTED: ORS 802.012, 807.040, 807.050, 807.060, 807.062, 807.150, 807.370, 807.400, 807.410, 807.530

AMEND: 735-062-0060

RULE TITLE: Periodic Check of Driver's Eyesight

NOTICE FILED DATE: 06/29/2021

RULE SUMMARY: Until June 2, 2023, customers 50 years old and older will no longer need to take a vision screening if they renew their driver license or driver permit using the online renewal option.

RULE TEXT:

(1) Except as provided in section (7) of this rule, all licensed drivers 50 years of age and older must have their eyesight tested by DMV each time a driver applies for renewal of his or her driver license.

(2) For purposes of this rule, a driver's age is the age the person will be on the date of the expiration of the license to be renewed or the person's age at the time of application for renewal, whichever is older. For example, a driver is required to have a vision screening at 48 or 49 years of age if the driver's license will expire on his or her 50th birthday.

(3) The eyesight test must include those items listed in OAR 735-062-0050.

(4) If a person's eyesight meets the eyesight test 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 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 tested when required to do so may get their eyesight checked in the state where they are located. Upon request, 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 or optometrist and be submitted to DMV along with the driver license renewal application.

(7) Section (1) of this rule does not apply to applicants who renew their driver license or driver permit by electronic transaction prior to June 2, 2023.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 807.070, 807.120, 807.150

STATUTES/OTHER IMPLEMENTED: ORS 807.120, 807.150, 807.310

AMEND: 735-062-0125

RULE TITLE: Standards for Issuance of a Renewal or Replacement Driver License, Driver Permit or Identification Card Containing a Previous Photograph by Mail

NOTICE FILED DATE: 06/29/2021

RULE SUMMARY: DMV amended this rule to clarify that it will renew an applicant using the previous photograph on file by mail if the customer cannot renew in a DMV office or using the electronic transaction method described in OAR 735-018-0170.

RULE TEXT:

- (1) If an applicant is unable to renew or replace their driver license, driver permit or identification card by visiting a DMV office or by electronic transaction, as described in OAR 735-018-0170, DMV may issue a renewal or replacement driver license, driver permit or identification card containing a photograph already on file with DMV, as authorized in ORS 807.115, to applicants in accordance with this rule.
- (2) DMV may renew or replace an applicant's Real ID or non-Real ID driver license, driver permit or identification card, in accordance with applicable statutes authorizing renewal or replacement, by issuing a renewal or replacement driver license, driver permit or identification card containing a photograph of the applicant already on file with DMV, if the applicant:
 - (a) Provides proof that the applicant is a resident of or domiciled in Oregon as described in OAR 735-016-0040;
 - (b) If an applicant is applying for a renewal or replacement Real ID, the applicant must have previously proven lawful status in the United States as required by OAR 735-062-0022;
 - (c) Provides the applicant's SSN or a written statement that the person has not been assigned a SSN, as required under OAR 735-062-0005. DMV will verify the SSN with the SSA unless the SSN provided has previously been verified;
 - (d) Notwithstanding section (2)(c), if an applicant is applying for a renewal or replacement Real ID, the applicant must meet all requirements set forth in OAR 735-062-0006;
 - (e) Provides proof that the applicant is, in fact, the applicant to whom the driver license, driver permit or identification card to be renewed or replaced was issued; and
 - (f) Meets all other qualifications for the driver license, driver permit or identification card sought.
- (3) An applicant for a renewal driver license, driver permit or identification card containing a previous photograph on file must submit a written statement to DMV establishing good cause why the applicant is not able to appear and apply for the renewal driver license, driver permit or identification card at a DMV office. Circumstances constituting "good cause" include, but are not limited to, the following:
 - (a) The applicant is temporarily in another jurisdiction or country for business reasons, employment or education, will be returning to Oregon, and continues to satisfy Oregon's residency requirements.
 - (b) The applicant is traveling outside of Oregon and the applicant's Oregon driver license, driver permit or identification card is lost, stolen or mutilated;
 - (c) The applicant is traveling outside of Oregon and the applicant's Oregon driver license, driver permit or identification card has expired or will expire before the applicant returns to Oregon; or
 - (d) The applicant has a medical condition or health problems that prevent him or her from applying for a renewal driver license, driver permit or identification card at a DMV field office and submits to DMV proof of the medical condition or health problems from the applicant's licensed health care provider.
- (4) DMV will not issue a valid with previous photograph replacement or renewal driver license, driver permit or identification card to an otherwise qualified applicant, if the applicant makes a request to change name, date of birth or SSN.
- (5) DMV will not issue a valid with previous photograph renewal Real ID to an applicant who provided proof of lawful status in the United States on a temporary basis under OAR 735-062-0022.
- (6) Notwithstanding section (2) of this rule, DMV may issue a renewal driver license, driver permit or identification card containing a photograph of the applicant already on file with DMV, if the applicant has an Oregon driver license, driver

permit or identification card and is on active duty in the United States Armed Forces stationed outside of Oregon who provides a copy of the applicant's:

(a) Most current Leave Earning Statement showing Oregon as the applicant's home on record;

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

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

(7) A spouse, domestic partner or dependent of a military person on active duty in the United States Armed Forces outside of Oregon who qualifies under section (6) of this rule, who has an Oregon driver license, driver permit or identification card may qualify for a renewed driver license, driver permit or identification card using the previous photograph, if the spouse, domestic partner or dependent provides a copy of the following:

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

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

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

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

(8) Notwithstanding section (4) of this rule, DMV may issue a renewal or replacement driver license, driver permit or identification card that is not Real ID with a name change to an applicant who provides sufficient proof of full legal name as required by OAR 735-062-0014 and otherwise qualifies for a valid with previous photograph driver license, driver permit or identification card under section (6) or (7) of this rule.

(9) A replacement driver license, driver permit or identification card issued at a DMV office will contain the applicant's previous photograph on file unless the applicant requests a new photograph.

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

(11) Notwithstanding section (2)(a) of this rule, an applicant for a replacement driver license, permit or identification card containing a previous photograph on file is not required to provide proof of residency or domicile in Oregon as described in OAR 735-016-0040.

STATUTORY/OTHER AUTHORITY: ORS 184.619, 802.010, 807.110, 807.450, 807.480, 6 CFR §37.23, 6 CFR §37.25

STATUTES/OTHER IMPLEMENTED: ORS 807.110, 807.400, 807.455, 807.480