

Secretary of State
Certificate and Order for Filing
PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rules(s) adopted on December 21, 2011 by the
Date prior to or same as filing date.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division 735
Agency and Division Administrative Rules Chapter Number

Lauri Kunze 3930 Fairview Ind. Dr SE, Salem OR 97302 (503) 986-3171
Rules Coordinator Address Telephone

to become effective January 1, 2012 Rulemaking Notice was published in the November 2011 Oregon Bulletin.**
Date upon filing or later Month and Year

RULE CAPTION

Amendment specifies what constitutes proof that an applicant is qualified to receive disabled veteran plates
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

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

ADOPT:

AMEND: 735-040-0030

REPEAL:

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

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

ORS 184.616, 184.619, 802.010 & 805.100 USC Title 38, Part II, §1110
Stats. Auth. Other Authority

ORS 805.100
Stats. Implemented

RULE SUMMARY

Disabled veteran registration plates are part of a special registration program available to qualified disabled veterans pursuant to ORS 805.100. The registration is permanent with a one-time registration fee and no renewal fees.

ORS 805.100(2) specifies who qualifies as a disabled veteran entitled to receive *disabled veteran registration* [emphasis]. The statute authorizes DMV to accept a letter from the U.S. Department of Veteran's Affairs (VA) or a branch of the U.S. Armed Forces as proof the person is a disabled veteran.

OAR 735-040-0030 specifies the information an applicant must submit to DMV as proof the applicant is qualified to receive disabled veteran registration plates. Previously proof was a letter issued by the U.S. Department of Veterans Affairs or branch of the U.S. Armed Forces indicating the applicant meets the requirements of ORS 805.100. Because the statute requires that the veteran be honorably discharged, DMV has only accepted letters that indicate an honorable discharge as proof of eligibility to receive disabled veteran registration.

Recently, DMV learned from the Oregon Department of Veterans Affairs that under federal law, service-related disability benefits are only granted by the VA to veterans discharged or released under honorable conditions. USC Title 38, Part II, §1110. Letters issued by the VA or military branch may or may not contain specific discharge information. Therefore, DMV amended OAR 735-040-0030 to specify that DMV will accept as proof that an applicant is qualified to receive disabled veteran registration under ORS 805.100, any letter, including a DD214 form, issued by the VA or branch of the U.S. Armed Forces that indicates the applicant received a service-related disability, regardless of whether the letter specifically shows an honorable discharge.

Authorized Signer Thomas L. McClellan
Printed Name _____ Date _____

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

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