

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
Agency and Division 735
Administrative Rules Chapter Number
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to become effective January 1, 2012 Rulemaking Notice was published in the October 2011 *Oregon Bulletin***
Date upon filing or later Month and Year

RULE CAPTION

Social Security Number Requirements, Proof of Legal Presence and Applicant Temporary Permits
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

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

AMEND: 735-062-0005, 735-062-0010, 735-062-0015, 735-062-0032, 735-062-0033, 735-062-0120, 735-062-0125, 735-070-0110

ORS 184.616, 184.619, 802.010, 807.021, 807.040, 807.050, 807.110, 807.310, 807.400 and 807.405 None
Stats. Auth. Other Authority

ORS 802.200, 807.021, 807.022, 807.050, 807.110, 807.310, 807.400, 807.405
Stats. Implemented

RULE SUMMARY

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

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 DMV also repealed a provision in this rule allowing DMV to determine through means other than SAVE that a specific type of document is valid proof of the person's legal presence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

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

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

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. ARC 930-2005