

## **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) Failure to complete and pass a security threat assessment required for a hazardous materials endorsement from the federal Transportation Security Administration (TSA) or being assessed as a security threat by TSA under ORS 807.173;
  - (3) Notice of violating of an out-of-service order ORS 809.413(7);
  - (4) Notification from the Federal Motor Carrier Safety Administration that a person is disqualified from operating a commercial motor vehicle as an imminent hazard under ORS 809.413(8);
  - (5) Failure to submit proof of medical qualification to operate a commercial motor vehicle under ORS 807.100(2).
  - (6) Failure to pay a judgment under ORS 809.415(1);
  - (7) A lapse in making future financial responsibility filings under ORS 809.415(3)(c);
  - (8) Notification from the superintendent of a hospital under ORS 807.700;
  - (9) A request by a school superintendent or a school district board under ORS 339.254; and
  - (10) Notice that a person under 18 years of age has withdrawn from school under ORS 339.257.
- Stat. Auth.: ORS 184.616, 184.619, 802.010 & 809.440  
Stats. Implemented: ORS 809.440

## **735-010-0030**

### **Types of Driver and Identification Card Records Available and Their Fees**

This rule specifies the types of driver records available from DMV's driver records database and the fee amounts for the records:

- (1) Abstract of Employment Driving Record -- Computer-produced record of an individual's employment driving record. The record includes employment-related accidents, suspensions and convictions for violation of motor vehicle laws, as set forth in ORS 802.200(9). The record covers the three-year period preceding the date of the request. Miscellaneous administrative entries may also be included as determined by DMV. The record does not include convictions for offenses that result in a mandatory revocation or suspension under ORS 809.409, 809.411, 809.413 and 813.400. The record will include information of a positive drug test result, posted in accordance with ORS 825.412, only if the requestor provides written permission from the person who was subject to the drug test. The fee for each record is:
  - (a) \$2 for a certified record ordered by mail or through DMV's Interactive Voice Response System (IVR);
  - (b) \$2 for an uncertified record provided through DMV's Real-Time Access to Oregon Driving Record Service (RADR);
  - (c) A \$1.50 search fee for any record requested under this subsection but not found in DMV's driver records database.
- (2) Abstract of Non-employment Driving Record -- Computer-produced record of an individual's non-employment driving record. The record includes motor vehicle accidents, convictions for violations of motor vehicle laws, other than those included in the employment driving record, and DUII diversion agreements for the three years preceding the date of the record request. The record also includes suspensions, revocations or cancellations of driving

privileges, except those suspensions terminated by court notice under ORS 809.220. Miscellaneous administrative entries may also be included as determined by the department. The fee for each record is:

- (a) \$1.50 for a certified record ordered by mail or through IVR;
- (b) \$2 for an uncertified record provided through RADR.
- (c) A \$1.50 search fee for any record requested under this subsection but not found in DMV's driver records database.

(3) Insurance Abstract of Non-employment Driving Record -- Computer-produced record containing certain entries of an individual's non-employment driving record as described in subsection (b) of this section. The record includes motor vehicle accidents, convictions for violations of motor vehicle laws, other than those included in the employment driving record, DUII diversion agreements and suspensions, revocations or cancellations of driving privileges, except those suspensions terminated by court notice under ORS 809.220. This record is available only to insurers or insurance support organizations. An individual may request his or her own insurance abstract to obtain an insurance discount under ORS 746.265(3). The fee for each record is:

- (a) \$1.50 for a certified record ordered by mail;
- (b) A \$1.50 search fee for any record requested under this subsection but not found in DMV's driver records database.

(4) Driver License Information Report -- Information on the report includes driver name, address, license number, license type, license expiration date, license restrictions, license issue date and status of license. Driver license information may be provided orally or by computer-produced certified print. The fee for each report is:

- (a) \$1.50 for a computer-produced certified report or for an oral report from a DMV employee requested in person or over the phone. Information over the phone will only be provided to a record account holder. DMV will charge a search fee of \$1.50 for any information requested under this paragraph but not found in DMV's driver records database;
- (b) \$1.20 for a report obtained through IVR. DMV will charge a search fee of \$1.20 for any information requested under this paragraph but not found through IVR.

(5) Identification Card (ID card) Information Report -- Information on the report includes ID card holder's name, address, ID card number, ID card expiration date, issue date, and status of ID card. ID card information may be provided orally through IVR or by computer-produced certified print. The fee for each report is:

- (a) \$1.50 for a computer-produced certified report or for an oral report from a DMV employee requested in person or over the phone. Information over the phone will only be provided to a record account holder. DMV will charge a search fee of \$1.50 for any information requested under this paragraph but not found in DMV's records database;
- (b) \$1.20 for a report obtained through IVR. DMV will charge a search fee of \$1.20 for any information requested under this paragraph but not found in IVR.

(6) Oregon Police Traffic Crash Report -- The fee for a copy of an Oregon Police Traffic Crash Report is \$9.50 for a certified copy or \$8.50 for an uncertified copy. DMV will charge a search fee of \$8.50 for an Oregon Police Traffic Crash Report that is requested but not found. The fee for bulk requests for 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.

(7) Driver License/ID Card Application History -- The fee for a person's application history which includes copies of any application for an original, renewal or duplicate driver license or ID card is \$18.50 for a certified history or \$17.50 for an uncertified history.

(8) Miscellaneous Driver Document Copy -- Copies of any document or transaction related to a person's driving record, driver license, or driving privilege. The fee for a miscellaneous driver document is \$5 for a certified copy or \$4 for an uncertified copy.

(9) Driver Purged File History -- Computer-produced print containing all entries shown on the computer file for a driver, except those entries exempted under the Oregon Public Records Law, ORS 192.410 to 192.505. The fee for a driver purged file history is \$2. DMV will charge a search fee of \$1.50 for any driver file requested under this subsection but not found in DMV's driver records database.

(10) Court Print -- Computer-produced record of an individual's employment and non-employment driving record. The record includes convictions for major traffic offenses, DUII diversion agreements and any alcohol rehabilitation entries for the ten years preceding the date of the request, and convictions for minor traffic offenses and motor vehicle accidents for the five years preceding the date of the request. The record also includes suspensions, cancellations, revocations and miscellaneous administrative entries, but does not include information exempt from disclosure under the Oregon Public Records Law. Court Print with CDL Medical Certification -- Computer-produced record of a CDL holder's employment and non-employment driving record as described above. The record also includes medical certification data that shows if the CDL holder is medically qualified to drive commercial motor vehicles. The fee for each record is:

(a) \$3 for a certified print ordered by mail, through IVR or through the Automated Reporting Service (A.R.S);

(b) \$2 for a record accessed through RADR;

(c) A \$1.50 search fee for any record requested under this subsection but not found in DMV's driver records database.

(11) Suspension Package -- Certified court print and certified copies of any of the following documents needed for a court proceeding: a suspension, revocation or cancellation notice; returned envelope, signed receipt, or affidavit showing service of the notice; hardship permit application; license restrictions; or any letter sent by DMV 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 a court print requested under this subsection cannot be found in DMV's driver records database;

(12) Driver Records List -- Computer produced list of driver names, addresses or other record information created using selection criteria. For example, the selection criteria may be the names and addresses of all licensed drivers of a specific age group. The following apply to a request for a driver records list:

(a) The requester must describe how the list will be used. If the purpose of the list is for bulk distribution, as defined in OAR 735-010-0008, the list will only include individuals who have requested that their personal information be provided to bulk distributors.

(b) The requester must provide paper or magnetic tape. No more than 50,000 records will be provided on paper.

(c) DMV's computer system must be programmed to use the selection criteria requested. If the selection criteria requested requires additional computer programming, DMV will not provide

the list unless DMV computer programming resources are available and the requester pays the actual programming costs as set forth in OAR 735-010-0000.

(d) The fee for a driver records list furnished via File Transfer Protocol Secure (FTPS) is \$700.

(13) Purged Driver Record Information – Copy of a microfilmed driving record containing entries that have been purged from DMV’s driver records database. The fee for a purged information driving record is \$2.50 for a certified copy or \$1.50 for an uncertified copy.

(14) Insurance Information Search -- A search of DMV records to identify the insurance company and policy number for a vehicle or individual. This information may be provided orally by a DMV employee if requested in person or over the phone or by letter from DMV. The fee for an insurance information search is \$10, regardless of whether the information is actually found in DMV records.

(15) Automated Reporting Service (A.R.S) -- A court print sent automatically to an enrolled record account holder when an accident, conviction, DUII diversion or suspension, revocation or cancellation is posted to a listed individual’s driving record. The fee for an A.R.S. court print is \$3.00. If the account holder requests that DMV add or delete an individual from A.R.S. there is a \$2.00 fee. There is no fee to add or delete an individual if the record account holder uses DMV’s online system.

Stat. Auth.: ORS 184.616, 184.619, 192.440, 802.010, 802.179, 802.183, 802.200, 802.220 & 802.230

Stats. Implemented: ORS 802.200, 746.265, 802.230, 802.220 & 825.412

## **735-062-0002**

### **Definitions**

As used in this division the following definitions apply:

(1) “Biometric data” means measurements of the physical characteristics of a person’s face that can be used to authenticate the identity of the person.

(2) “CDL skills test” is a pre-trip vehicle inspection test, a basic control skills test or an on-road driving test.

(3) “DMV” means the Oregon Department of Transportation, Driver and Motor Vehicle Services Division.

(4) “Driving type” is as defined in OAR 735-063-0000(7).

(5) “Legal presence” or “legal presence in the United States” means that a person is a citizen or permanent legal resident of the United States or is otherwise legally present in the United States under federal immigration laws.

(6) “SSA” means the Social Security Administration.

(7) “SSN” means Social Security Number.

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

Stats. Implemented: ORS 801.163, 802.200, 807.021, 807.024, 807.050

## **735-062-0007**

### **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) Provide a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005;
- (d) Provide proof of legal presence as provided in OAR 735-062-0015;
- (e) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016;
- (f) Provide proof of the person’s identity and date of birth as provided in OAR 735-062-0020;
- (g) Provide proof of the person’s residence address as provided in OAR 735-062-0030;
- (h) Provide proof, as provided in OAR 735-016-0070, that the person is domiciled in or a resident of Oregon;
- (i) Surrender all driver permits and driver licenses in the person’s possession that have been issued by another jurisdiction, including but not limited to:
- (A) Another state;
  - (B) A Canadian province or territory;
  - (C) A U.S. territory; or
  - (D) The United Mexican States, if an Oregon commercial driver license or commercial instruction permit is issued.
- (j) In addition to all requirements in subsections (a) through (i) of this section, a person applying for a commercial driver license or commercial instruction permit must:
- (A) Certify driving type; and
  - (B) Meet medical qualifications as described in OAR 735-063-0050.
  - (C) Satisfy all requirements set forth in ORS 807.045 and OAR 735-062-0200 if the person holds a commercial driver license from another jurisdiction.
- (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 determination of eligibility from the Medical Determination 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 eligible, 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 a United States citizen or permanent legal resident with a February 29 birth date expires:

(a) On February 29 if the expiration year is a leap year; or

(b) On March 1 if the expiration year is not a leap year.

(9) After determining that an applicant has met all requirements under this rule, DMV will issue the license or permit and mail it to the address provided by the applicant at the time of the application.

(10) After determining that an applicant has met all requirements under this rule and has provided proof of legal presence in the United States on a temporary basis, as described in OAR 735-062-0015(4), DMV will issue a limited term driver license or limited term driver 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, 807.021, 807.040, 807.050, 807.060, 807.120, 809.310 & 807.050  
Stats. Implemented: ORS 807.021, 807.040, 807.060 & 807.066

### **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 an applicant's ability to drive a Class C vehicle required by ORS 807.070(3) if all of the following apply:

(a) The applicant surrenders to DMV a driver license issued to the applicant by another state, the District of Columbia, a United States Territory, a Canadian Province or a jurisdiction with whom DMV has a reciprocity agreement and the driver license has not been expired for more than one year, or if the person's driver license issued by a jurisdiction listed above, has been lost or stolen, the applicant submits a letter of clearance, as required in OAR 735-062-0007;

(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 applicant has no physical disabilities or impairments which may necessitate any restrictions other than:
  - (A) “With corrective lenses”;
  - (B) “Outside or side-view mirror(s)”;
  - (C) The restriction(s) imposed on the applicant’s surrendered, lost or stolen driver license issued by another jurisdiction.
- (e) The applicant has no physical or mental condition that provides DMV with reason to question the applicant’s ability to drive a motor vehicle without endangering the safety of persons or property.
- (2) DMV may waive the actual demonstration of an applicant’s ability to drive a Class A, B, or C commercial motor vehicle or any endorsement related to a commercial driver license if the applicant meets the qualifications set forth in subsections (1)(a) through (e) of this rule and surrenders a commercial driver license issued by another state, the District of Columbia, a Canadian Province or the United Mexican States that authorizes the driving of a commercial motor vehicle included in the Oregon classification for which the application is made.
- (3) DMV will waive the actual demonstration of an applicant’s ability to drive a motorcycle if:
  - (a) The applicant surrenders to DMV a motorcycle-endorsed driver license issued to the applicant 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 applicant 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 an applicant’s ability to drive a motorcycle if:
  - (a) The applicant 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.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.070, 807.080 & 807.170  
 Stats. Implemented: ORS 807.070, 807.080 & 807.170

**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) and is not disqualified from holding a farm endorsement under ORS 809.406. 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 184.616, 184.619, 802.010, 802.200, 807.072(6)  
 Stats. Implemented: ORS 807.072 & 807.170

## **735-062-0090**

### **Renewal Driver Licenses and Identification Cards**

- (1) 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:
  - (a) Provide a verifiable SSN or proof that the person is not eligible for a SSN as provided in OAR 735-062-0005(2);
  - (b) Provide proof of legal presence as provided in OAR 735-062-0015;
  - (c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and 735-062-0016; and
  - (d) Provide proof of identity and date of birth as provided 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 14 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 735-062-0007.
- (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 or commercial instruction permit must:
  - (a) Meet the medical qualification requirements set forth in OAR 735-063-0050; and
  - (b) Certify driving type.
- (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.

(12) Notwithstanding subsection (2)(b) of this rule, DMV will renew a limited term driver license, limited term driver permit or limited term identification card to an applicant who otherwise qualifies for renewal under this rule and has provided proof of temporary legal presence in the United States as described in OAR 735-062-0015(4) that has been extended or is still in effect.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 802.012, 807.021, 807.022, & 807.040

Stats. Implemented: ORS 802.012, 802.540, 807.021, 807.022, 807.040 - 807.060, 807.100, 807.15 & 807.400

### **735-062-0110**

#### **Replacement Driver Permits, Driver Licenses, and Identification Cards**

(1) 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 the applicant meets the requirements set forth in ORS 807.160 and this rule 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 the applicant:

(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 a residence address or mailing address from the address noted on the person's driver license, driver permit or identification card or adds a mailing address.

(c) Is a corrections officer, eligible employee, or household member of a corrections officer or eligible employee killed in the line of duty who has requested, in accordance with ORS 802.250 or 802.253, that department records show the address of the corrections officer's or eligible employee'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) Requests that a veteran designation be added to or removed from his or her driver license, driver permit or identification card. To add a veteran designation, the applicant must provide proof the person is a veteran as set forth in OAR 735-062-0012(2).

(h) 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.

(i) 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.

(j) 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.

(k) 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.

(L) 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.

- (m) Has not received his or her driver license, driver permit or identification card in the mail and the applicant does not meet the requirements under OAR 735-062-0092(3) for a reissued driver license, driver permit or identification card.
  - (n) 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.
  - (o) Requests a downgrade from one license class to another (e.g., a Commercial Driver License to a non-commercial Class C driver license).
  - (p) 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.
  - (q) 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:
- (a) Provide a verifiable SSN, or proof that the person is not eligible for a SSN, as provided in OAR 735-062-0005(2);
  - (b) Provide proof of legal presence as provided in OAR 735-062-0015;
  - (c) Submit to the collection of biometric data for the purpose of establishing identity as provided in ORS 807.024 and OAR 735-062-0016; and
  - (d) Provide proof of identity and date of birth as provided in OAR 735-062-0020.
- (4) An applicant for a replacement commercial driver license or commercial instruction permit must:
- (a) Certify driving type; and
  - (b) Provide proof of medical qualification as described in OAR 735-063-0060.
- (5) An applicant 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.
- (6) 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.
- (7) 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.
- (8) 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.
- (9) Notwithstanding section (8) 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, 807.021 & 807.160  
Stats. Implemented: ORS 807.160, 807.021, 807.220, 807.230, 807.280 & 807.400

### **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 state, the District of Columbia, a US Territory, a Canadian Province or the United Mexican States to:

- (a) Take and pass the Class C knowledge test and a vision screening; and
- (b) Take and pass the CDL skills tests and knowledge test required, if the person applies for a higher class license.

(2) DMV may waive all 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 state, the District of Columbia, a US Territory, a Canadian Province or the United Mexican States and the CDL has not been expired for more than one year.

(3) DMV may require an applicant to take any or all CDL tests prior to issuing a CDL.

(4) 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 an Oregon CDL. DMV will not issue 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.

(d) The applicant is not medically qualified for CDL issuance and the applicant does not provide other proof of medical qualification as described in OAR 735-063-0060.

(5) 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.

(6) 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

### **735-063-0000**

#### **Definitions**

As used in this division the following definitions apply:

(1) "Accident/conviction records" are records used to establish when a Waiver of Physical Disqualification issued by DMV may be denied or suspended. Accident records include, but are not limited to DMV records, police reports, crash reports or other reports from motor carriers. A conviction record is an official record showing a determination of guilt by a court of law upon a plea, verdict, finding, or unvacated bail forfeiture.

(2) "CDL" means commercial driver license.

- (3) "CDLIS" means the Commercial Drivers License Information System operated by the American Association of Motor Vehicle Administrators (AAMVA) for FMCSA.
- (4) "CMV" means commercial motor vehicle.
- (5) "Disqualifying condition" is a medical condition(s) not meeting FMCSA physical qualification standards as set forth in FMCSR Sec. 391.41(b).
- (6) "DMV" means the Driver and Motor Vehicle Services Division of the Oregon Department of Transportation.
- (7) "Driving type" means a certification by an applicant or holder of a CDL of one of the following:
  - (a) Non-excepted interstate: the person operates or expects to operate in interstate commerce;
  - (b) Excepted interstate: the person operates or expects to operate in interstate commerce but engages exclusively in transportation or operations excepted under 49 CFR 390.3(f), 391.2, 391.68 or 398.3; or
  - (c) Non-excepted intrastate: the person operates only in intrastate commerce.
- (8) "FMCSA" means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.
- (9) "FMCSR" means the Federal Motor Carrier Safety Regulations of the U.S. Department of Transportation, CFR Title 49 parts 300 to 399.
- (10) "Intrastate commerce" is defined in FMCSR Sec. 390.5 and includes any trade, traffic or transportation exclusively within Oregon.
- (11) "Medical Determination Officer" is a physician, nurse practitioner or physician assistant, licensed to provide health care services by the State of Oregon, and employed or designated by DMV to make medical determinations of a driver's medical eligibility for driving privileges.
- (12) "Medical Specialist" is a person who is licensed as a doctor of medicine, a doctor of osteopathy, an optometrist or an audiologist.
- (13) "Physician" is defined in ORS 807.710.
- (14) "SPE certificate" is a Skill Performance Evaluation certificate issued by the FMCSA pursuant to FMCSR Sec. 391.49 to a person who demonstrates the ability to safely operate a CMV in spite of limb impairment or loss.
- (15) "Waiver of Physical Disqualification" or "waiver" means a waiver issued by the Oregon Department of Transportation to a driver who does not meet certain physical qualifications required for drivers of commercial motor vehicles as set forth in FMCSR Sec. 391.41(b). A Waiver of Physical Disqualification only authorizes the holder to operate a commercial motor vehicle in intrastate commerce.

Stat. Auth.: ORS 184.616, 184.619, 802.010  
 Stats. Implemented: ORS 807.040 & 807.100

### **735-063-0050**

#### **CDL or Commercial Instruction Permit Medical Standards**

- (1) DMV adopts FMCSR section 391.41 through 391.49 on January 30, 2012 pertaining to physical qualifications and medical examination of drivers of commercial motor vehicle.
- (2) Any person who certifies a driving type of non-excepted interstate must meet the medical qualifications described in FMCSR, sections 391.41 through 391.49 or be exempted from those medical qualifications pursuant to 49 U.S.C. sections 31135 and 31136(e) and FMCSR, sections 381.300 to 381.330 to be issued or to retain an Oregon CDL or commercial instruction permit.
- (3) Any person who certifies a driving type of excepted interstate or non-excepted intrastate must:

- (a) Meet the medical qualifications in section (2) of this rule to be issued or retain an Oregon CDL or commercial instruction permit; or
  - (b) Meet the medical qualifications for a Waiver of Physical Disqualification issued by DMV and described in 735-063-0070 to be issued or retain a restricted Oregon CDL or commercial instruction permit.
  - (4) DMV will restrict a CDL or commercial instruction permit issued to a person that is not medically qualified under section (2) of this rule to authorize operation of a CMV in intrastate commerce only.
  - (5) DMV will issue a restricted Class A, B or C CDL or commercial instruction permit if any proof of medical qualification described in 735-063-0060 indicates any applicable restrictions, conditions or limitations for operation of a commercial motor vehicle.
- Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040 & 809.419  
 Stats. Implemented: ORS 807.040, 807.100 & 809.419

### **735-063-0060**

#### **Proof of Medical Qualification for a CDL or Commercial Instruction Permit**

- (1) Proof of medical qualification for a person who certifies a driving type of non-excepted interstate is:
    - (a) A CDLIS record that indicates the person is medically qualified to operate a CMV in interstate commerce; or
    - (b) A valid unexpired Medical Examiner's Certificate that conforms to the requirements of FMCSR, section 391.43. When indicated, the Medical Examiner's Certificate must be accompanied by one or both of the following:
      - (A) A valid unexpired notice of exemption issued by FMCSA under the provisions of FMCSR, sections 381.300 through 381.330.
      - (B) A valid unexpired Skill Performance Evaluation (SPE) certificate issued by FMCSA under the provisions of FMCSR, section 391.49.
  - (2) Proof of medical qualification for a person who certifies a driving type of excepted interstate or non-excepted intrastate is:
    - (a) The proof required under section (1) of this rule; or
    - (b) A valid unexpired Waiver of Physical Disqualification issued by DMV under the conditions described in OAR 735-063-0070.
  - (3) Medical Examiner Certificates, notices of exemption, Skill Performance Evaluations and Waivers of Physical Disqualification are valid for periods up to two years only.
- Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040  
 Stats. Implemented: ORS 807.040, 807.100

### **735-063-0065**

#### **Medical Qualification Procedures for CDL or Commercial Instruction Permit**

- (1) An applicant for a CDL or commercial instruction permit must have proof of medical qualification as described in OAR 735-063-0060. DMV will not issue a CDL or commercial instruction permit if any proof of medical qualification is denied, expired or revoked.
- (2) An applicant for a CDL or commercial instruction permit who certifies a driving type of non-excepted interstate must also certify on the application or renewal form that he or she meets the driver qualification requirements contained in FMSCR Part 391.
- (3) To maintain proof of medical qualification to operate a commercial motor vehicle, the holder of a CDL or commercial instruction permit must have a valid medical examiner's certificate.

Proof of medical qualification must be provided to DMV when requested. If proof is not provided within 60 days following the expiration of the holder's current proof of medical qualification as described in OAR 735-063-0060, DMV will cancel the holder's CDL or commercial instruction permit as provided in OAR 735-063-0067.

(4) A driver who needs to replace a medical examiner's certificate because it is lost, mutilated, or destroyed may obtain a duplicate from the same source from which they obtained the original medical certificate.

(5) DMV is not responsible for any expenses an applicant may incur from the acquisition of an approved medical examiner's certificate or duplicate medical examiner's certificate.

Stat. Auth.: ORS 184.616, 184.619, 802.010 & 807.040

Stats. Implemented: ORS 807.040, 807.100 & 807.150

### **735-063-0067**

#### **Cancellation or Suspension of CDL or Commercial Instruction Permit Due to No Valid Proof of Medical Qualification**

(1) DMV will cancel a person's CDL or commercial instruction permit if any proof of medical qualification, as described in OAR 735-063-0060, is denied, expired or revoked.

(2) DMV will cancel a person's CDL or commercial instruction permit if proof of medical qualification, as described in OAR 735-063-0060, is not submitted when requested by DMV. Such requests will be made only when DMV does not already have proof of medical qualification.

(3) A CDL or commercial instruction permit cancelled under this rule may be reissued if the person submits proof of medical qualification as described in OAR 735-063-0060.

(4) DMV will suspend, for one year, a person's commercial driving privileges and the person's right to apply for a CDL or commercial instruction permit if DMV determines that the person submitted false information to DMV for the purpose of establishing or maintaining qualification to operate a commercial motor vehicle, hold a CDL, or hold a commercial instruction permit.

Stat. Auth.: ORS 184.616, 184.619, 802.010, 807.040, 807.100, 809.415

Stats. Implemented: ORS 807.040, 807.100, 809.415