

Secretary of State
NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

Department of Transportation, Driver and Motor Vehicle Services Division

735

Agency and Division

Administrative Rules Chapter Number

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Rules Coordinator

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RULE CAPTION

Proof of Residency, Limited Vision Driver Permits, Hardship Permits, Parking Identification Cards – Miscellaneous Changes

Not more than 15 words that reasonably identify the subject matter of the agency's intended action.

RULEMAKING ACTION

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

AMEND: 735-016-0070, 735-062-0320, 735-064-0020, 735-080-0060 and 735-080-0070

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, 803.350, 803.370, 807.050, 807.062, 807.240, 807.252,
807.270, 807.350, 807.368, 811.603, 821.080, and Oregon Laws 2008, Chapter 1

Stat. Auth..

None

Other Authority

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, 807.240, 807.250, 807.270, 807.355 – 807.368, 807.400, 809.265, 809.380, 809.390, 809.419, 809.421, 811.603, 813.500,
813.602, 821.080, 826.033, and Oregon Laws 2008, Chapter 1

Stats. Implemented

RULE SUMMARY

DMV proposes to include the new statutory term "parking identification card" to refer to the identification card DMV issues without a photograph, and to make the card valid for eight years, rather than four years.

Other proposed amendments include (1) clarification that while Oregon Income Tax Returns may be used as proof of residency or domicile, an Oregon Tax Return for a Nonresident (Form 40N) cannot; (2) confirmation that a person whose driving privileges are suspended because he or she committed a fraudulent or unlawful act in applying for or using a driver license, driver permit or identification card may not be issued a hardship permit; and (3) updates to statutory references and other changes for clarity.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association with 10 or more members, within 21 days following the publication of the Notice of Proposed Rulemaking in the *Oregon Bulletin* or 28 days from the date Notice was sent to people on the agency mailing list, whichever is later. If sufficient hearing requests are received, the notice of the date and time of the rulemaking hearing must be published in the *Oregon Bulletin* at least 14 days before the hearing.

The agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

May 21, 2008

Last Day for Public Comment

Last day to submit written comments to the Rules Coordinator

Signature

Lauri Kunze

Printed name

Date

* 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.

Secretary of State
STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division
Agency and Division

735
Administrative Rules Chapter Number

In the Matter of the Amendment of OAR 735-016-0070, 735-062-0320, 735-064-0020, 735-080-0060 and 735-080-0070

Rule Caption: Proof of Residency, Limited Vision Driver Permits, Hardship Permits, Parking Identification Cards – Miscellaneous Changes

Statutory Authority: ORS 184.616, 184.619, 802.010, 803.350, 803.370, 807.050, 807.062, 807.240, 807.252, 807.270, 807.350, 807.368, 811.603, 821.080, and Oregon Laws 2008, Chapter 1

Other Authority:

Statutes Implemented: 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, 807.240, 807.250, 807.270, 807.355 – 807.368, 807.400, 809.265, 809.380, 809.390, 809.419, 809.421, 811.603, 813.500, 813.602, 821.080, 826.033, and Oregon Laws 2008, Chapter 1

Need for the Rule(s): As amended by Oregon Laws 2008, Chapter 1, ORS 811.603 uses the new term “parking identification card” to refer to the identification card DMV issues under that statute to an applicant for a disabled person parking permit who has no other identification card or driver license and who is unable to appear at a DMV field office to be photographed. DMV proposes to amend OAR 735-080-0060 and 735-080-0070 to include the new statutory term. OAR 735-080-0070 is also being amended to include the correct statutory authority for the renewal fee for a parking identification card and to provide that, as in the case of driver licenses and other identification cards, a renewal of a parking identification card is valid for eight years, rather than for four years, as the rule currently provides.

The other proposed amendments that are part of this rulemaking were identified as DMV prepared other rules to implement Oregon Laws 2008, Chapter 1, and ORS 807.024, effective July 1, 2008. Because these amendments are not part of the core changes mandated by Oregon Laws 2008, Chapter 1 and ORS 807.024, they are included in this separate rulemaking. The proposed amendments include:

The amendment of OAR 735-016-0070 to clarify that Oregon Income Tax Return forms that may be used as proof of residency or domicile, do not include an Oregon Tax Return for a Nonresident (Form 40N). Other changes are proposed to the rule for clarity.

The amendment of OAR 735-062-0320 to replace the reference to Oregon Laws 2003, Chapter 277, section 3, with a reference to the codified version of that law and to correct the citation to ORS 807.370, which is now inaccurate because of the amendment of ORS 807.370 by Oregon Laws 2008, Chapter 1.

The amendment of OAR 735-064-0020 to confirm that a person whose driving privileges are suspended because he or she committed a fraudulent or unlawful act in applying for or using a driver license, driver permit or identification card may not be issued a hardship permit. DMV currently does not issue hardship permits in such instances, and the amendment spells out that prohibition in the applicable rule.

Documents Relied Upon and where they are available: Enrolled SB 1080 (Oregon Laws 2008, Chapter 1) is available at - <http://www.leg.state.or.us/cgi-bin/searchMeas.pl>.

Fiscal and Economic Impact, including Statement of Cost of Compliance:

State agencies and units of local government: This proposed rule amendment will have no fiscal impact on state agencies or units of local government.

Members of the General Public: The proposed rule amendments will have no economic impact on members of the general public.

Businesses, including small businesses: These proposed rule amendments will have no economic impact on businesses including small businesses.

Projected reporting, recordkeeping and other administrative activities required for compliance: None.

Equipment, supplies, labor and administration required: None. The proposed amendment imposes no reporting requirements and imposes no additional requirements for labor, administration or supplies.

How were small businesses involved in the development of this rule? Fourteen groups representing small businesses were notified of the proposed amendments and invited to comment. No comments were received.

Administrative Rule Advisory Committee consulted?: No

If not, why?: None of the proposed rule amendments is a change in policy or procedure that would benefit from input from an advisory committee.

Authorized Signer

Lauri Kunze

Printed name

Date

Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310.

ARC 925-2005