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[Group Plates for] Veterans' **Groups;** *[Organizations,]* **Institutions of Higher Education;** and Non-profit Groups

735-040-0040

Definitions

As used in OAR 735-040-0040 through 735-040-0100:

(1) "DMV" means the Driver and Motor Vehicle Services Division of the Department of Transportation.

(2) "Gold Star Family registration plate" means a registration plate issued to a surviving family member of a person killed in action during an armed conflict while serving in the Armed Forces of the United States.

(3)~~(2)~~ "Group plates" means plates issued under ORS 805.205 for *[veterans' organizations]* institutions of higher education and non-profit groups who are tax-exempt under 501 (c)(3) of the Internal Revenue Code.

(4)~~(3)~~ "Group" means any organization or institution that applies for or receives approval for the issuance of group plates naming or describing that organization or the institution that they represent.

(5)~~(4)~~ "Institution of Higher Education" or "institution" means a post secondary institution that has been awarded and currently holds accreditation by the respective commissions of one of six regional accrediting associations that include the:

- (a) Northwest Association of Schools and Colleges;
- (b) Middle States Association of Colleges and Schools;
- (c) New England Association of Schools and Colleges;
- (d) North Central Association of Colleges and Schools;
- (e) Southern Association of Colleges and Schools; and
- (f) Western Association of Schools and Colleges.

(6)~~(5)~~ "Non-profit group" means a non-profit group that meets the qualifications for tax-exempt status under section 501 (c)(3) of the Internal Revenue Code.

(7)~~(6)~~ "An expression of political opinion" includes words, letters or names that:

- (a) Connote or denote issues commonly associated with politics or the political process;
- (b) Connote or denote social issues or causes that have become factionalized and thus have taken on their own political status (e.g., abortion, environmental issues, etc.);

(c) Connote or denote a definable class of persons and that ridicule or support superiority of that class; or

(d) Promote or discourage social causes, or that ridicule or support superiority of a class or are political.

(8)[(7)] "An expression of religious belief" means words, letters or names that affirm or support a particular religion or creed, express adherence to a particular sect or denomination, express belief in or the absence of belief in a supreme being or promote or discourage any form of exercise of religion.

(9)[(8)] "Veterans' [organization] **group**" **as used in ORS 805.105 and Division 40 rules,** means **a group or** organization[*s or groups*] that meets the [*eligibility requirements*] **qualifications for veterans' recognition registration plates** under OAR 735-040-00[50]**80**.

Stat. Auth.: ORS 184.616, **184.619, 802.010,** [*& ORS*] 805.205 **and ORS 805.105**
Stats. Implemented: ORS 805.205 **and ORS 805.105**

This Rule is Repealed

[735-040-0050

Qualifications; Veterans Group Plates

(1) To request issuance of veterans group plates a veterans group must qualify by submitting written documentation sufficient to satisfy DMV that:

(a) The group is a nonprofit group that represents veterans of the Armed Forces of the United States, or is established for the purpose of supporting or recognizing such veterans;

(b) The group has an established membership, that includes officers and bylaws; and

(c) The group is physically located in Oregon or has a chapter that is physically located in Oregon.

(2) The applicant must submit an application and fees to DMV that complies with OAR 735-040-0080.

Stat. Auth.: ORS 184.616 184.619, 805.205, 805.206
Stats. Implemented: ORS 805.205, 805.206]

This rule is rewritten in its entirety. Current text follows this rewrite for the reader's convenience.

735-040-0080

Veterans' Groups Qualifications; Veterans' Recognition Registration Plates

(1) To become eligible for veterans' recognition registration plates issued under ORS 805.105, and this rule, a veterans' group must submit the following to DMV:

(a) A completed and signed Application for Approval of Veterans' Group Plates (DMV Form 7069), a copy of the group's bylaws, and documentation sufficient to DMV that:

(A) The group is a non-profit organization established to recognize, represent or support a branch of the Armed Forces of the United States; and

(B) The group, or a chapter of the group, is physically located in Oregon.

(b) The name, address and phone number of:

(A) Each group official, officer and director; and

(B) A person authorized by the group to act as the group's representative for purposes of veterans' recognition registration plates.

(c) The words, initials or copy of the service-related decal requested to appear on the group's plate. The group's representative must certify that the group is authorized to use the information or materials submitted under this subsection;

(d) If applicable, any requested restriction on the issuance of the group's plates as described under OAR 735-010-0090;

(e) An estimate of the number of plates the group will sell during the 12-month period following the date of application;

(f) Fees estimated by DMV to cover its costs to design and produce the requested plates; and

(g) The financial institution and account number selected by the group for the deposit of plate surcharge amounts collected by DMV from the sale of the group's veterans' recognition registration plates. If no information is provided, collected surcharge amounts will be deposited in the trust fund established under ORS 406.050 for paying the expenses of operating the Oregon Veterans' Home.

(2) DMV may request a veteran's group to provide any information it considers necessary to determine a group's eligibility for veterans' group registration plates or to verify the group is authorized to use requested words, initials or a service-related decal.

(3) DMV will not issue veterans' recognition registration plates to a group if it determines:

(a) The group does not meet the requirement for veterans' recognition plates under ORS 805.105 or this rule;

(b) The group's application is incomplete or if the application contains false information;

(c) The words, initials or service-related decal requested for use on the group's plates do not correctly name, identify or represent the group or are not authorized for use on veterans' recognition registration plates; or

(d) The authorized representative fails to provide information or documentation requested by DMV.

(4) DMV may stop issuing a group's veterans' recognition plates or withdraw a group's eligibility if the group:

(a) Is not authorized to use words, initials or a service-related decal previously approved for use on the group's veterans' recognition plates;

(b) Fails to file an annual statement of continuing eligibility as required under section (5) of this rule; or

(c) Fails to meet or comply with any other requirement for veterans' recognition plates under ORS 805.105 or this rule.

(5) DMV will notify the group upon DMV's approval or denial of the group's application, or upon withdrawal of group's eligibility.

(6) Once approved as an eligible group, the group must file an annual statement of continuing eligibility certifying the group continues to meet the requirements for a veteran's group.

(7) The group must notify DMV immediately if:

(a) There is a change in the name, address or phone number of a group official or the group's authorized representative listed on the group's most recent application or annual eligibility statement; or

(b) The group is dissolved or no longer meets the eligibility requirements for a veteran's group under this rule.

Stat. Auth.: ORS 184.616 184.619, 805.205, 805.206
Stats. Implemented: ORS 805.205, 805.206

[735-040-0080

Application, Approval and Renewal Process for Veterans Group Plates

(1) A veterans group that is qualified to apply for veterans' plates under OAR 735-040-004 and 735-040-0050 must submit the following to DMV:

(a) A completed and signed Application for Approval of Veterans Group Plates (DMV Form 7069);

(b) A \$10,000 application fee at the time of application. This fee is in addition to any other fee required by law or rule;

(c) Fees to cover DMV's anticipated administrative expenses related to the design and production of the veterans group plates requested. At the time of application, DMV will estimate the costs, including but not limited to computer programming costs, plate design costs, color costs and vendor set-up fees, which must be paid prior to approval of the application;

(d) The written documentation required under OAR 735-040-0050, including a copy of the group's bylaws, organization papers or other documents that show it is a veterans organization;

(e) The names and addresses of the group's current directors or officers, and the name, address and phone number of the group's authorized representative. The authorized representative is the person authorized to apply for veterans group plates on behalf of the group and is the contact person for DMV on any matter related to the group plates;

(f) The word(s), or initials the group is requesting for use on the plate to identify the group. DMV must approve and authorize any request before it may be used on a veterans group plate;

(g) A certification or other evidence as may be required by DMV that the group has the authority to use the requested word(s), or initials on a registration plate;

(h) Specific information as to where moneys collected by DMV from the sale of group plates should be deposited. If no account has been specified by the time moneys collected from the sale of the group plates are distributed by DMV, the moneys will be deposited to the Environmental Quality Information Account as provided by law; and

(i) Whether or not the group requests restrictions on the issuance of the group plates as covered in OAR 735-040-0090 and any other information DMV may require concerning the restriction.

(2) In addition to the requirements described in section (1) of this rule, the group must provide an estimate of the number of plates it will sell during the next 12-month period.

(3) DMV may at any time request from the authorized representative further information or documentation necessary to determine if the group is eligible for group plates. DMV will refuse to approve the issuance of group, or may withdraw approval previously granted if DMV determines:

(a) The group is not eligible;

(b) The word(s), or initials used, or proposed to be used, to name or describe the group contain an expression of political opinion or religious belief, contrary to ORS 805.205; or

(c) The authorized representative fails to provide information or documentation as requested by DMV.

(4) DMV will contact the authorized representative:

(a) At the time the application is approved or denied;

(b) When additional information or documentation is required or consultation is necessary; or

(c) If DMV proposes to withdraw its approval to issue plates for the group.

(5) Once plates are approved, the authorized representative must file an annual statement with DMV showing the group continues to be eligible for group plates. The statement must:

(a) Be on a form provided by DMV or that is acceptable to DMV;

(b) Include a statement that the group continues to meet the requirements described in OAR 735-040-0050;

(c) Include the names and addresses of the current group directors, or officers, and the name, address and phone number of the group's authorized representative;

(d) Show that the group continues to be a nonprofit group; and

(e) Provide an estimate of the number of plates the group expects to sell during the next 12 months.

(6) The group must immediately notify DMV anytime:

(a) There is a change in the name, address or phone number of the authorized representative; or

(b) The group is dissolved, is no longer a nonprofit organization or is otherwise no longer qualified for veterans group plates under OAR 735-040-0050.]

735-040-0090

Veterans' Recognition Registration Plates [Issuance] for Veterans' Groups; **Restrictions on Issuance; Proof of Veteran Status**

(1) Issuance of **veterans' recognition registration** [group] plates may be restricted to certain persons as provided **under Section (2), ORS 805.105(1)(c)** [in] **and** this rule. [All of the following apply to such restrictions] **Conditions for restrictions are as follows:**

(a) [Any r]**Restrictions on issuance of a particular veterans' recognition registration plate as requested by a veterans' group must relate** [on use shall be based only on things related] to a person's service in the Armed Services of the United States. For example:

(A) DMV may approve a request to restrict **issuance of a particular veterans' recognition registration** [group] plate [issuance] to only veterans or to only those awarded a Purple Heart medal; and

(B) DMV [shall] **will** not approve a request to restrict [group] **veterans' recognition registration** plate issuance to only veterans who are members of a particular group [or who meet other group criteria].

(b) **A veteran's** [G]group[s who] **requesting a restriction on plate issuance must do so** [wish to have plate issuance restricted shall indicate this] on the initial [application for group plates,] **Application for Approval of Veteran Group Plates. The group must describe the restriction(s)** [provide information on who they want the plates restricted to] and the basis for the restriction;

(c) **All restrictions must be approved by** DMV[shall determine whether the restriction shall be allowed; and].

(d) If a **requested restriction is approved***[group plate issuance is to be restricted]*, DMV **will** *[shall]* consult *[with]* the group in determining the criteria DMV will use in **issuing** *[accepting or rejecting applications for]* **veterans' recognition registration** *[group]* plates **for that group**.

(2) **Veterans' recognition registration** *[Group]* plates *[shall]* **may** not be issued as custom plates, *[n]* or in conjunction with any other *[distinct]* **special** registration or plate type.

(3) When a veterans' group approved by DMV, or the Director of Veterans' Affairs requires proof of veteran status or proof of receipt of a service-related medal, or the applicant requests "Gold Star Family" registration plates, DMV will accept the following as proof of eligibility:

(a) For plates that include a decal depicting an insignia of a branch of the Armed Services:

(A) For military service 1950 or after, a Defense Department Form 214, Certificate of Release or Discharge from Active Duty (DD 214), a Correction to DD 214 Form (DD 215); or

(B) For military service before 1950, a separation document or form issued by a branch or department of the US Armed Services.

(b) For a veterans' group with a service-related restriction approved by DMV under OAR 735-040-0080:

(A) For military service 1950 or after, a DD 214 or DD 215; or

(B) For military service before 1950, a separation document or form issued by a branch or department of the US Armed Services; and

(C) A completed signed Group Plate Eligibility Certification (DMV Form 735-6940) certifying the applicant is eligible to receive the group's plates.

(c) For plates that include a decal depicting a service-related medal:

(A) For military service 1950 or later, a DD 214 or DD 215; or

(B) For military service before 1950, a separation document or form issued by a branch or department of the US Armed Services; and

(C) A letter, award certificate or other document issued by the US Department of Defense showing the applicant is a recipient of the service-related medal.

(D) For plates displaying a gold star and the words "Gold Star Family," a completed, signed Group Plate Eligibility Certification (DMV Form 735-6940) certifying the applicant is a surviving family member. For purposes of this rule, a surviving family member includes a person who is a parent, spouse, partner in a domestic partnership or dependent of a person killed in action during an armed conflict while serving in the Armed Forces of the United States.

(4) A DD 214, DD 215 or separation form or document required under section (3) of this rule must have been issued under honorable conditions.

735-040-0100

Refund of Fees; Withdrawal and Reinstatement of Group Plates

(1) DMV will refund a group's \$10,000 application fee if the group sells at least 1,000 sets of plates within the first 12-month period following issuance of the plates. The refund will be issued in the name of the group and mailed to the group's authorized representative designated on the group plate application form.

(2) DMV will stop production of a group's plate if the group:

(a) Fails to provide an annual statement as required under [*OAR 735-040-0080,*] 735-040-0095 [*and*] **or** 735-040-0097;

(b) The group ceases to exist;

(c) The group's approval is otherwise withdrawn;

(d) DMV determines the word(s), initials, image or logo used to name or describe the group are inconsistent with statute or rule; or

(e) DMV fails to sell or renew at least 500 sets of plates within any 12 consecutive month period. For purposes of this rule and *OAR 735-040-[0050]***0055,** [*through*] **735-040-0061, 735-040-0095** **or** 735-040-0097:

(A) "Sets" mean any plate(s) issued other than those issued as a replacement plate(s), whether one or two plates are issued; and

(B) The first day of the month in which the group plates are first offered for sale will be used to determine the start of the first 12-month period.

(3) DMV will notify the group's authorized representative if DMV will no longer produce plates for the group.

(4) Except as provided in section (5) of this rule, when DMV stops production of a group's plate DMV will continue to issue any remaining plate inventory until the inventory is depleted.

(5) If DMV stops production of a group's plate because the word(s), initial(s), image or logo used to identify the group is determined to be inconsistent with statute or rule:

(a) DMV may restart production if:

(A) The group is otherwise eligible and qualified to have group plates; and

(B) After consulting with the authorized representative, a different word(s), initial(s), image or logo is approved by DMV to identify the group or institution; and

(b) DMV will destroy any remaining plate inventory.

(c) If DMV ceases to order plates for any reason not covered in this section, DMV will continue to issue any remaining plate inventory until the inventory is depleted.

(6) If production of a group's plate is discontinued for reasons other than those described in section (5) of this rule, to restart production, the group must reapply and pay all required fees as described in OAR 735-040-~~[0050]~~0055, [*through*] 735-040-0061, 735-040-0095 or 735-040-0097.

Stat. Auth.: ORS 184.616; 184.619, 802.010, 805.205[,]and 805.206

Stats. Implemented: ORS 805.205[,]and 805.206