

Secretary of State  
**NOTICE OF PROPOSED RULEMAKING HEARING\***

A Statement of Need and Fiscal Impact accompanies this form.

Oregon Department of Transportation, Driver and Motor Vehicle Services Division		735	
Agency and Division		Administrative Rules Chapter Number	
Lauri Kunze	355 Capitol St. NE, Rm. 29, Salem OR 97301	lauri.g.kunze@odot.state.or.us	(503) 986-3171
Rules Coordinator	Address		Telephone

**RULE CAPTION**

**Limited Term Driver Licenses, Driver Permits and Identification Cards; Documents Needed; Valid with Previous Photo**

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

October 19, 2009	1:00 pm	Multnomah County Commission Board Room 501 SE Hawthorne Blvd, Portland OR 97214	Liz Woods
Hearing Date	Time	Location	Hearings Officer
October 21, 2009	9:00 am	U of O Continuing Education Center 975 High Street, Eugene OR 97401	Liz Woods
Hearing Date	Time	Location	Hearings Officer

*Auxiliary aids for persons with disabilities are available upon advance request.*

**RULEMAKING ACTION**

**AMEND:** 735-062-0007, 735-062-0010, 735-062-0015, 735-062-0020, 735-062-0090, 735-062-0110 and 735-062-0125

ORS 184.616, 184.619, 802.010, 802.012, 807.040, 807.050, 807.060, 807.120, 807.150, 807.160, 807.400, 809.310, 2008 OL (SB 1080), Ch 1 and 2009 OL, Ch 258 (SB 128)

Stat. Auth.

EO 07-22

Other Authority

ORS 802.012, 802.540, 807.040, 807.045, 807.050, 807.060, 807.062, 807.066, 807.100, 807.150, 807.160, 807.220, 807.230, 807.280, 807.400 and 2008 OL, Ch 1

Stats. Implemented

**RULE SUMMARY**

Section 4, Chapter 1, Oregon Laws 2008, which is operative on January 1, 2010, provides for the issuance, renewal and replacement of a limited term driver license, limited term driver permit and limited term identification card. DMV proposes to amend OAR 735-062-0007, 735-062-0010 and 735-062-0090 to specify what proof of legal presence in the United States (US) an applicant must provide for the issuance or renewal of a limited term driver license, limited term driver permit or limited term identification card if the applicant is in the US on a temporary basis. Other changes update these rules to refer to a limited term driver license, driver permit or ID card.

The proposed amendment to OAR 735-062-0015(6) is to clarify that DMV will not re-verify the legal presence documents presented by a person who is applying to replace a limited term driver license, limited term driver permit or limited term identification card since those documents were verified at the time of original issuance or renewal. DMV is also proposing to amend section (2) of this rule to clarify that a tribal ID card is sufficient proof that the person applying is a citizen or permanent resident of the US.

OAR 735-062-0125 defines the requirements for renewing or replacing a driver license or identification card using a previous photo on file with DMV. As authorized by SB 1080, these may be issued to an applicant who is a US Citizen or permanent resident who is unable to renew or replace an Oregon issued driver license or identification card in person because the applicant is away from Oregon for an extended period of time. DMV's proposed amendment clarifies what proof must be provided by the applicant to qualify for a driver license or identification card that uses a previous photo. DMV also proposes to amend OAR 735-062-0020 to specify the requirements for proof of identity and date of birth when a driver license or identification card issued under OAR 735-062-0125 is renewed or replaced.

DMV proposes to amend OAR 735-062-0090 to extend the time period within which a person may apply for renewal of a driver license or identification card before its expiration date to 14 months. The amendment also describes the proof of legal presence necessary to renew a limited term driver license, driver permit or identification card.

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.

**October 21, 2009**

**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** 735-062-0007, 735-062-0010, 735-062-0015, 735-062-0020, 735-062-0090, 735-062-0110 and 735-062-0125

**Rule Caption:** Limited term driver licenses, driver permits and identification cards; documents needed; valid with previous photo

**Statutory Authority:** ORS 184.616, 184.619, 802.010, 802.012, 807.040, 807.050, 807.060, 807.120, 807.150, 807.160, 807.400, 809.310, 2008 OL (SB 1080), Ch 1 and 2009 OL, Ch 258 (SB 128)

**Other Authority:** EO 07-22

**Statutes Implemented:** ORS 802.012, 802.540, 807.040, 807.045, 807.050, 807.060, 807.062, 807.066, 807.100, 807.150, 807.160, 807.220, 807.230, 807.280, 807.400 and 2008 OL, Ch 1

**Need for the Rule(s):** Section 4, Chapter 1, Oregon Laws 2008, which is operative on January 1, 2010, provides for the issuance, renewal and replacement of a limited term driver license, limited term driver permit and limited term identification card. DMV proposes to amend OAR 735-062-0007, 735-062-0010 and 735-062-0090 to specify what proof of legal presence in the United States (US) an applicant must provide for the issuance or renewal of a limited term driver license, limited term driver permit or limited term identification card if the applicant is in the US on a temporary basis. Other changes update these rules to refer to a limited term driver license, driver permit or ID card.

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**Documents Relied Upon and where they are available:** None

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

1. Impact on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)): None
2. Cost of compliance effect on small business (ORS 183.336): None
  - a. Estimate the number of small businesses and types of business and industries with small businesses subject to the rule: None, these rules only affect individuals.
  - b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of professional services: None
  - c. Equipment, supplies, labor and increased administration required for compliance: None

**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? If not, why?:** No. Most of these rules changes are necessary to implement statutory requirements adopted by the Oregon Legislature. The other changes implement changes to DMV internal processes and clarify language. Because of the nature of the amendments, DMV determined it was unnecessary to appoint an advisory committee for this rulemaking.

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Authorized Signer

Lauri Kunze  
\_\_\_\_\_  
Printed name

\_\_\_\_\_  
Date