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TEMPORARY ADMINISTRATIVE RULES
A Statement of Need and Justification accompanies this form.

FILED
10-19-16 2:00 PM
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I certify that the attached copies are true, full and correct copies of the TEMPORARY Rule(s) adopted on 10/14/2016 by the
Department of Transportation, Driver and Motor Vehicle Services Division 735
Agency and Division Administrative Rules Chapter Number
Lauri Kunze (503) 986-3171
Rules Coordinator Telephone
355 Capitol St. NE, MS 51, Salem, OR 97301
Address
To become effective 10/19/2016 through 04/16/2017.

RULE CAPTION

Renewal of Driver Licenses and Identification Cards
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

RULEMAKING ACTION

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

ADOPT:

AMEND:

735-062-0090

SUSPEND:

Statutory Authority:

ORS 184.616, 184.619, 802.010, 802.012, 807.021, 807.022, 807.040

Other Authority:

None

Statutes Implemented:

ORS 802.012, 802.540, 807.021, 807.022, 807.040 - 807.060, 807.100, 807.15, 807.400

RULE SUMMARY

OAR 735-062-0090 currently allows a person to renew a driver license or identification card 14 months prior to expiration. DMV established the 14-month time period in 2010 to allow flexibility for persons who may work or travel out-of-state for extended periods to have a reasonable amount of time to appear in person for a renewal of a driver license or identification card. DMV now proposes to reduce that to 12-months to comply with federal regulations regarding the issuance of a CDL.

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Rules Coordinator Name

Email Address

Secretary of State
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Department of Transportation, Driver and Motor Vehicle Services Division
Agency and Division

735
Administrative Rules Chapter Number

Renewal of Driver Licenses and Identification Cards

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

In the Matter of:

the amendment of OAR 735-062-0090

Statutory Authority:

ORS 184.616, 184.619, 802.010, 802.012, 807.021, 807.022, 807.040

Other Authority:

None

Statutes Implemented:

ORS 802.012, 802.540, 807.021, 807.022, 807.040 - 807.060, 807.100, 807.15, 807.400

Need for the Temporary Rule(s):

OAR 735-062-0090 currently allows a person to renew a driver license or identification card 14 months prior to expiration. DMV established the 14-month time period in 2010 to allow flexibility for persons who may work or travel out-of-state for extended periods to have a reasonable amount of time to appear in person for a renewal of a driver license or identification card. DMV now proposes to reduce that to 12-months to comply with federal regulations regarding the issuance of a CDL.

Documents Relied Upon, and where they are available:

None

Justification of Temporary Rule(s):

DMV is implementing a number of changes effective September 26, 2016, related to the issuance of commercial driving privileges. Those changes are being adopted as permanent rule changes, effective September 26, 2016. Also effective on that date, DMV will implement its computer programming system changes to incorporate the new rules. One system change will allow a person to renew a driver license (including a CDL) or identification card no sooner than 12 months prior to expiration date.

The 12-month period is being changed from 14 months as a result of a request by Oregon DMV, in conjunction with other states, for relief from 49 CFR § 383.73, which required states to make a commercial driver license (CDL) valid for no more than eight years. In response, Oregon DMV received a letter from the U. S. Department of Transportation, Federal Motor Carrier Safety Administration, stating that DMV could renew a CDL up to 12 months prior to expiration date.

DMV has engaged in rulemaking to make numerous revisions to the CDL administrative rules. The amendment of OAR 735-062-0090 was overlooked in that rulemaking.

To align with the numerous revisions to CDL administrative rules taking effective September 26, 2016, DMV proposes to amend the rule through this temporary process. DMV then intends to permanently amend OAR 735-062-0090.

It is in the public interest for Oregon DMV's CDL program to remain in compliance with federal regulations, as being out of compliance could lead to a loss of federal highway funds or the inability of Oregon to issue a commercial driver license for interstate commerce. It is also in the public interest to have the time period allowed to renew a license or identification card consistent between administrative rule and computer programming, as inconsistency could cause delays for some customers.

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