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DMV 25-2023

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DEPARTMENT OF TRANSPORTATION
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

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RULES:

735-064-0230, 735-064-0235

AMEND: 735-064-0230

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: DMV amended this rule to change the language to align with statute and require the applicant obtain the approval from the sheriff in the county in which the applicant resides during the issuance process.

CHANGES TO RULE:

735-064-0230

Emergency Driver Permit ¶¶

- (1) An emergency driver permit authorizes operation of only those vehicles that the holder of a Class C non-commercial driver license may operate, and does not include operation of any vehicle that requires commercial driving privileges or an endorsement.¶¶
- (2) DMV may issue an emergency driver permit to a person between 14 and 18 years of age for an emergency situation only, and not for convenience. An emergency situation includes, but is not limited to, the need for a person to drive to and from:¶¶
 - (a) Medical appointments and treatment for the person or a member of the person's immediate family when no other means of transportation is available;¶¶
 - (b) Work or on the job when no other transportation is available and the person's employment is essential to the welfare of the person's family;¶¶
 - (c) Work or on the job when the person's employment is necessary to help harvest crops that may go unharvested or be lost if the person is unable to drive; and¶¶
 - (d) Grocery stores when no other means of transportation is available.¶¶
- (3) DMV may issue an emergency driver permit to a person for an emergency situation when a court has issued an order of denial of the person's driving privileges under ORS 809.260. For purposes of this subsection, an emergency situation includes, but is not limited to:¶¶
 - (a) Those emergencies situations listed in Section (2) of this rule; and¶¶
 - (b) The need to drive to and from school when no other means of transportation is available.¶¶
- (4) Except as provided in section (5) of this rule, an applicant for an emergency driver permit must:¶¶

- (a) Submit a completed Student/Emergency Permit Application, Form 735-0009 or Court Denial Emergency Driver Permit Application, Form 735-0009a;¶
 - (b) Provide proof satisfactory to DMV detailing the need for an emergency driver permit signed by the applicant, and the applicant's parent or legal guardian, if the applicant is under 18 years of age and is not an emancipated minor, including, but not limited to:¶
 - (A) The circumstances of the emergency;¶
 - (B) The expected end date of the emergency;¶
 - (C) A complete description of the days, times and routes to be traveled;¶
 - (D) The name and address of the medical facilities, routes, days and times the applicant is required to drive to appointments or treatment on a regular basis, if the applicant needs to drive to medical appointments or to receive medical treatment on a regular basis for himself or herself or a member of the applicant's immediate family. The applicant also must submit a signed statement from a licensed physician, licensed physician assistant or licensed nurse practitioner treating the applicant or the applicant's immediate family member, advising of the need for medical appointments or treatment on a regular basis. The statement must include how often appointments or treatments are required and the hours of the day and days of the week appointments or treatments are available. Actual appointment and treatment times are subject to verification by DMV and law enforcement;¶
 - (E) A signed letter from the applicant's employer on company letterhead stating the days and hours the applicant works if the applicant is applying to drive for employment purposes; and¶
 - (F) The signature of a school administrator on the application certifying that there is no other school or public transportation available and that the applicant attends school on the days and hours stated on the application, if the applicant is applying to travel to and from school.;¶
 - (c) Pay all applicable fees;¶
 - (d) Pay the reinstatement fee as established under ORS 807.370 if the applicant's driving privileges are suspended by court denial;¶
 - (e) Fulfill all applicable requirements of ORS Chapter 807 and OAR 735, division 062, for issuance of a Class C non-commercial driver license; and¶
 - (f) Have an instruction driver permit, if the applicant is over 15 years of age, or if under 15 years of age, obtain an instruction driver permit within 60 days after the applicant's 15th birthday. This subsection does not apply to an applicant who is only eligible for an emergency permit because the student's driving privileges are suspended by a court ordered denial of driving privileges under ORS 809.260; and¶
 - (g) Obtain approval from the sheriff of the county in which the applicant resides.¶
 - (5) To be eligible for an emergency driver permit, an applicant does not need to:¶
 - (a) Possess an instruction driver permit for at least six months prior to applying for an emergency driver permit;¶
 - (b) Have at least 50 hours of driving experience with a licensed driver over the age of 21; or¶
 - (c) Complete a traffic safety education course.¶
 - (6) In addition to any other driving restrictions that may be imposed by DMV, the holder of an emergency driver permit, who is under 18 years of age, may not drive a motor vehicle carrying any passenger under 20 years of age who is not a member of the permit holder's immediate family.¶
 - (7) Except as provided in section (9) of this rule, an emergency driver permit issued prior to the applicant's 16th birthday will expire on the following date, whichever occurs first:¶
 - (a) At the end of the emergency; or¶
 - (b) Six months and 60 days after the emergency driver permit holder's 16th birthday.¶
 - (8) Except as provided in section (9) of this rule, an emergency driver permit issued on or after the applicant's 16th birthday and prior to the applicant's 18th birthday will expire on the following date, whichever occurs first:¶
 - (a) At the end of the emergency; or¶
 - (b) Six months and 60 days after issuance of the emergency driver permit.¶
 - (9) Section (7) and (8) of this rule are not applicable to an emergency driver permit issued because a court ordered denial of driving privileges, under ORS 809.260, which expires on the following date, whichever comes first:¶
 - (a) At the end of the emergency; or¶
 - (b) At the end of the suspension period.¶
 - (10) After the end of the suspension period for a court order denial of driving privileges under ORS 809.260, a person issued an emergency driver permit may be eligible to apply for a driver license or driver permit, including an emergency permit or special student driver permit.
- Statutory/Other Authority: ORS 184.619, 802.010, 807.120, 807.220
 Statutes/Other Implemented: ORS 807.031, 807.170, 807.200, 807.220

AMEND: 735-064-0235

NOTICE FILED DATE: 09/26/2023

RULE SUMMARY: DMV amended this rule to change the language to align with statute and require the applicant obtain the approval from the sheriff in the county in which the applicant resides during the issuance process.

CHANGES TO RULE:

735-064-0235

Special Student Driver Permit ¶

- (1) A special student driver permit authorizes operation of only those vehicles that the holder of a Class C driver license may operate, and does not include operation of any vehicle that requires commercial driving privileges or an endorsement.¶
- (2) A special student driver permit authorizes a person to only drive between the person's home and the closest alternate means of transportation, or if alternate transportation does not exist, between home and the school, college or other educational institution in which the person is enrolled and is attending for an educational purpose. An educational purpose includes participation in extra-curricular activities as long as the student drives only to the student's school, college or educational institution for which the permit is issued.¶
- (3) Except as provided in section (4) of this rule, an applicant for a special student driver permit must:¶
- (a) Submit a completed Student Driver's Permit Application, Form 735-0009, sthat is:¶
 - (A) Signed by the applicant's parent or legal guardian and endor:¶
 - (B) Approved by the sheriff of the county in which the applicant resides; and¶
 - (C) Signed by the principal of the school or educational institution, or registrar of the college, in which the applicant is enrolled;¶
 - (b) Pay all applicable fees;¶
 - (c) Have an instruction driver permit, if the applicant is over 15 years of age, or if under 15 years of age, obtain an instruction driver permit within 60 days after the applicant's 15th birthday;¶
 - (d) Fulfill all applicable requirements of ORS Chapter 807 and OAR 735, Division 062, for issuance of a Class C non-commercial driver license; and¶
 - (e) Provide proof satisfactory to DMV that the applicant has no other means of transportation available including but not limited to:¶
 - (A) A map(s) showing the route between the applicant's home and alternate transportation or home and the school, college or educational institution in which the applicant is enrolled and public transportation routes; and¶
 - (B) The hours for which the applicant needs the special student permit and a copy of public transportation schedules.¶
- (4) To be eligible for a special student driver permit, an applicant does not need to:¶
- (a) Possess an instruction driver permit for at least six months prior to applying for a special student driver permit;¶
 - (b) Have at least 50 hours of driving experience with a licensed driver over the age of 21 years of age; or¶
 - (c) Complete a traffic safety education course.¶
- (5) In addition to any other driving restrictions that may be imposed by DMV:¶
- (a) The holder of a special student driver permit may not drive a motor vehicle carrying any passenger under 20 years of age who is not a member of the special student permit holder's immediate family; and¶
 - (b) The holder of a special student driver permit may not drive between 12 midnight and 5 a.m.¶
- (6) A special student driver permit issued prior to the applicant's 16th birthday will expire on the following date, whichever occurs first:¶
- (a) When the applicant has other means of transportation to and from school, college or other educational institutions; or¶
 - (b) Six months and 60 days after the applicant's 16th birthday.¶
- (7) A special student driver permit issued on or after the applicant's 16th birthday and prior to the applicant's 18th birthday will expire on the following date, whichever occurs first:¶
- (a) When the applicant has other means of transportation to and from school, college or other educational institution; or¶
 - (b) Six months and 60 days after issuance.

Statutory/Other Authority: ORS 184.619, 802.010, 807.120, 807.230

Statutes/Other Implemented: ORS 807.031, 807.170, 807.200, 807.230