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**NOTICE OF PROPOSED RULEMAKING**  
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 735  
DEPARTMENT OF TRANSPORTATION  
DRIVER AND MOTOR VEHICLE SERVICES DIVISION

**FILED**

05/30/2024 4:07 PM  
ARCHIVES DIVISION  
SECRETARY OF STATE

FILING CAPTION: HB 4109 (2024) – Disabled Person Parking Permit Family Placards

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 06/21/2024 5:00 PM

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

*A public rulemaking hearing may be requested in writing by 10 or more people, or by a group 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 the 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.*

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NEED FOR THE RULE(S)

DMV needs to amend OAR 735-080-0020, 735-080-0046 and 735-080-0100 due to the passage of Oregon Laws 2024, Chapter 82 (HB 4109).

Oregon Laws 2024, Chapter 82 (HB 4109) amends the Disabled Person Parking Permit issuance requirements for a Family permit and placard. Previously, a family qualified for the permit when, among other things, they could show that their family included at least two persons with disabilities. Now, in addition to two persons with disabilities in one family, the law states that people can qualify for a family placard if they can show that multiple households are caring for at least one person with a disability.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

HB 4109 Enrolled Version -  
<https://olis.oregonlegislature.gov/liz/2024R1/Downloads/MeasureDocument/HB4109/Enrolled>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

DMV does not believe this change will impact racial equity in this state. The proposed rule expands the pool of qualified applicants, regardless of race, for a family placard in accordance with Oregon Laws 2024, Chapter 82 (HB 4109).

FISCAL AND ECONOMIC IMPACT:

See statements below.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the

rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Public – DMV is not adding any requirements for an applicant to obtain a family placard. There are no additional costs of compliance as a result of this rulemaking.

DMV – DMV is incurring costs as a result of the passage of Oregon Laws 2024, Chapter 82 (HB 4109). DMV anticipates issuing more family placards due to divorced families and families caring for adult members who are disabled. The additional issuances are related to the passage of the bill and not this rulemaking. DMV is unable to determine the additional issuances of family placards as a result of the change in law. This rulemaking does not impose additional costs to DMV or any other government agency.

(2) There are no additional costs of compliance as a result of this rulemaking on small businesses, but there may be a small increase in the number of people going to their doctor to have the doctor complete the required certification. The additional increase is a result of the passage of Oregon Laws 2024, Chapter 82 (HB 4109) and not of this rulemaking.

(2)(a), (b) and (c) None

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DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

DMV sent draft rules to 14 organizations representing small businesses. No responses were received.

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WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

DMV is amending the rule to align with Oregon Laws 2024, Chapter 82 (HB 4109).

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RULES PROPOSED:

735-080-0020, 735-080-0046, 735-080-0100

AMEND: 735-080-0020

RULE SUMMARY: DMV needs to amend this rule due to the passage of Oregon Laws 2024, Chapter 82 (HB 4109). The law states that people can qualify for a family placard if they can show that multiple households are caring for at least one person with a disability.

CHANGES TO RULE:

735-080-0020

Issuance of Disabled Person Parking Permits ¶¶

(1) Individual - DMV will issue an individual Disabled Person Parking Permit placard, or decal or both, as described in ORS 811.605 to an applicant who:¶¶

(a) Completes a Disabled Person Parking Permit Application/Renewal: Individuals (DMV form 735-265) that includes:¶¶

(A) The applicant's name and address;¶¶

(B) The applicant's driver license number, driver permit number, identification card number, or parking identification card number, except:¶¶

(i) When the customer number has been determined to have been fraudulently obtained;¶¶

(ii) The customer number is associated with a credential holder who is deceased; or¶¶

(iii) The customer number is associated with a credential holder who has surrendered the credential out of state; and¶¶

(C) A completed certificate, as described in ORS 811.604 and included on the application, signed and dated within six months of the date the application is received by DMV. The certificate must show the applicant is a person with

a disability.¶

(b) Submits the completed application in accordance with OAR 735-080-0100.¶

(2) Wheelchair User - DMV will issue a wheelchair user Disabled Person Parking Permit placard, decal, or both, as described in ORS 811.613, to an applicant who:¶

(a) Completes a Disabled Person Parking Permit Application/Renewal: Individuals (DMV form 735-265) that includes:¶

(A) The applicant's name and address;¶

(B) The applicant's driver license number, driver permit number or identification card number;¶

(C) A completed certificate, as described in ORS 811.604, included on the application, which is signed and dated by a licensed physician, a licensed nurse practitioner or a licensed physician assistant within six months of the date the application is received by DMV. The certificate must show that the applicant is a person with a disability and the person has a condition that requires the use of a wheelchair or similar low-powered motorized or mechanically propelled vehicle designed specifically for use by a person with a physical disability; and¶

(D) Certification that the applicant uses a wheelchair or similar vehicle and requires a van accessible parking space.¶

(b) Submits the completed application in accordance with OAR 735-080-0100.¶

(3) Oregon Wounded Warrior - An Oregon Wounded Warrior placard or decal is an individual or wheelchair user Disabled Person Parking Permit placard or decal with the addition of a sticker saying "Oregon Wounded Warrior" that is placed on both sides of a Disabled Person Parking Permit placard and on the front of a decal.¶

(a) DMV will include a placard or decal, or both, and the sticker when the issuance of the Oregon Wounded Warrior permit is the first issuance of a Disabled Person Parking Permit. DMV will issue only the Oregon Wounded Warrior sticker(s) when the applicant has a valid Oregon Disabled Person Parking Permit placard or decal to which the sticker can be added.¶

(b) DMV will issue an Oregon Wounded Warrior Disabled Person Parking Permit placard, decal or both, as described in ORS 811.616, to an applicant who:¶

(A) Has been issued a driver license, driver permit or identification card, except a parking identification card as described in ORS 811.613, by DMV.¶

(B) Completes a Disabled Person Parking Permit Application/Renewal: Individuals (DMV form 735-265) as described in section (1) of this rule, which includes a request for an Oregon Wounded Warrior sticker and, when necessary, a Disabled Person Parking Permit placard or decal.¶

(C) Provides a copy of documentation issued by the United States Department of Veterans' Affairs or any branch of the Armed Forces of the United States that states the applicant:¶

(i) Has a U.S. Department of Veterans Affairs total disability rating of a least 50 percent as a result of an injury or illness that the veteran incurred, or that was aggravated, during active military service; and¶

(ii) Received a discharge or release under other than dishonorable conditions.¶

(D) Submits the completed application in accordance with OAR 735-080-0100.¶

(4) Temporary Disability - DMV will issue a temporary Disabled Person Parking Permit placard to an applicant who completes a Disabled Person Parking Permit Application/Renewal: Individuals (DMV form 735-265) as described in section (1) of this rule, except that the applicant need not provide a driver license, driver permit, identification card or parking identification card unless one has been assigned by DMV. The certificate included on the application must:¶

(a) Be signed and dated within six months preceding to the date DMV receives the application, as required by ORS 811.604; and¶

(b) Show that the applicant is temporarily disabled for less than four years and, if applicable, show that the applicant uses a wheelchair for the period of the permit. ¶

(5) Foreign Visitor - DMV will issue a Foreign Visitor Permit placard valid for 30 days to a person who meets the requirements of ORS 811.611. If the person does not have a disabled person permit or certificate issued by the country that issued the person's passport or visa, the person must provide a certificate meeting the requirements of ORS 811.604(1).¶

(6) Program - DMV will issue one or more program Disabled Person Parking Permit placards, as described under ORS 811.607, to a program that regularly operates at least one vehicle for the transportation of persons with disabilities, including, but not limited to a nonprofit organization, an agency, a residential care facility, an assisted living facility, a persons-with-disabilities or medical transportation service, or an adult foster care home. Program permits are not transferrable to other program entities. To receive a program Disabled Person Parking Permit placard, the program must:¶

(a) Complete an Application for Program Disabled Person Parking Permit Placard (DMV form 735-265 PP) that includes:¶

(A) The program's organization or business name, State of Oregon business registry number and business mailing address;¶

- (B) The name of the person authorized to apply for the program's permits;¶
- (C) A certification that the program is an organization, agency or business that regularly transports persons with disabilities or is an adult foster home;¶
- (D) The number of vehicles in the program that regularly transports persons with disabilities; and¶
- (E) The number of placards requested by the program. DMV shall provide a placard for each program vehicle and may provide additional placards if requested in the application. ¶
- (b) Submit the completed application to DMV in accordance with OAR 735-080-0100.¶
- (7) Family - DMV will issue one Family Disabled Person Parking Permit placard, for each vehicle identified on the application, to a family that ~~has more than one~~includes at least two persons with a disability residing in the same household, or multiple households that are caring for at least one person with a disability, as described in ORS 811.609. The applicant must be an adult ~~family member~~ and must:¶
- (a) Complete a Disabled Person Parking Family Placard Application (DMV form 735-265 FPP) that includes all of the following:¶
- (A) The name, date of birth and addresses of the applicant;¶
- ~~(B) The applicant's driver license or identification card number;¶~~
- ~~(C) The certificate signed by a licensed physician, as required by ORS 811.609, that t and individuals regularly transporting the disabled individual.¶~~
- (B) The driver license or identification card number of the applicant and individuals regularly transporting the disabled individual.¶
- (C) The certificate signed by a licensed physician, as required by ORS 811.609, that includes the name, date of birth and, if known, the DMV customer number of each person with a disability. The licensed physician must certify that the individuals named on the certificate are disabled as defined by ORS 801.387 and that:¶
- (i) The family includes at least two persons with a disability, ~~including~~ in the ~~same~~ of each family member household; or¶
- (ii) Multiple households are caring for at least one person with a disability; and.¶
- (D) The number of vehicles regularly used ~~by the family~~ to transport these ~~family member~~ individual with a disability.¶
- (b) Certify that the applicant will ensure the expiration date of the placard is visible from outside of the vehicle when the placard is displayed.¶
- (c) Submit the completed application to DMV in accordance with OAR 735-008-0100.
- Statutory/Other Authority: ORS 184.619, 802.010, 811.602, 811.607, 811.609, 811.616
- Statutes/Other Implemented: ORS 801.387, 811.602, 811.604, 811.605, 811.606, 811.607, 811.609, 811.611, 811.613, 811.616

AMEND: 735-080-0046

RULE SUMMARY: DMV needs to amend this rule due to the passage of Oregon Laws 2024, Chapter 82 (HB 4109). The law states that people can qualify for a family placard if they can show that multiple households are caring for at least one person with a disability.

CHANGES TO RULE:

735-080-0046

Expiration and Renewal of Disabled Person Parking Permits ¶

(1) Permits and their placards or decals expire as follows:¶

(a) Temporary Disability Permit - at 11:59 pm on the date not later than six months from the date of issuance. When a certificate specifies an ending date of the disability that is less than six months, the ending date of the disability is used as the expiration date.¶

(b) Foreign Visitor Permit - at 11:59 pm on the 30th day from the date of issuance.¶

(c) Individual, Oregon Wounded Warrior, Wheelchair User, Family, and Program Disabled Person Parking - at 11:59 pm on the last day of the eighth year from the date of issuance, unless DMV invalidates the permit in accordance with ORS 811.628.¶

(2) To renew any permit placard or decal described in section (1) of this rule, the holder must submit the appropriate completed renewal reminder or application as follows:¶

(a) Parking Placard and Driver license or ID card Renewal Reminder (DMV form 735-7353) that includes the Certificate of Disability completed by the holder's licensed physician, licensed nurse practitioner or licensed physician assistant and signed and dated no more than six months prior to the receipt of the application by DMV.¶

(b) Disabled Person Parking Permit Application/Renewal: Individuals (DMV form 735-265) as described in OAR 735-080-0020, that includes the Certificate of Disability included on the application completed by the holder's licensed physician, licensed nurse practitioner or licensed physician assistant and dated no more than six months prior to the receipt of the application by DMV.¶

(c) Disabled Person Parking Family Placard Application (DMV form 735-265 FPP) that includes the Certificate of Disability, included on the Application, completed by the ~~family's~~ licensed physician treating the disabled individual, and signed and dated no more than six months prior to the receipt of the application by DMV.¶

(d) Application for Program Disabled Person Parking Permit Placard (DMV form 735-265PP).¶

(e) Parking Identification Card and Disabled Person Parking Permit Placard Application (DMV form 735-265PIP) that meets requirements described in OAR 735-080-0060 including the Certificate of Disability, included on the application, completed by the holder's licensed physician, licensed nurse practitioner or licensed physician assistant.¶

(3) Expired permits must be destroyed. Invalidated permits must be returned immediately to DMV.

Statutory/Other Authority: ORS 184.619, 802.010, 811.602, 811.607, 811.609

Statutes/Other Implemented: ORS 811.602, 811.604, 811.605, 811.606, 811.607, 811.609

AMEND: 735-080-0100

RULE SUMMARY: DMV needs to amend this rule due to the passage of Oregon Laws 2024, Chapter 82 (HB 4109). The law states that people can qualify for a family placard if they can show that multiple households are caring for at least one person with a disability.

CHANGES TO RULE:

735-080-0100

Submission of Disabled Person Parking Permit Applications and Renewals

(1) An applicant must submit all required documents for Disabled Person Parking Permits and placards, as specified in 735-080-0020, as follows:¶¶

(a) Individual, Wheelchair User, Oregon Wounded Warrior, Temporary Disability permit applications:¶¶

(A) In person to a DMV office;¶¶

(B) By mail to: DMV Driver Transaction Unit - Parking Permits Clerk, 1905 Lana Ave NE, Salem, OR 97314; or¶¶

(C) By Fax to DMV Driver Transaction Unit: 503-945-5181.¶¶

(b) Foreign Visitor permit applications - Present documentation, as described in ORS 811.611, in person to a DMV office.¶¶

(c) Program, Family permit applications - by fax: (503) 945-7981; email: ORDMVDriverTrans@odot.oregon.gov; or mail to DMV Driver Transactions Unit - Parking Permits Clerk, 1905 Lana Ave NE, Salem, OR 97314.¶¶

(d) Parking Identification Card permit applications - by mail to DMV Driver Transactions Unit - Parking Permits Clerk, 1905 Lana Avenue NE, Salem, Oregon 97314.¶¶

(2) An applicant for renewal of a parking permit, including Wounded Warrior, Wheelchair User, Parking Identification Card and Disabled Person Parking Permit, and Program, must submit the appropriate completed renewal application with all required documentation as follows:¶¶

(a) The Parking Permit Renewal Reminder letter sent to each permit holder, except Family and Program permit holders, with the included Renewal Application and Certificate of Disability that must be completed by the holder's licensed physician, a licensed nurse practitioner or a licensed physician assistant and signed and dated no more than six months prior to the receipt of the application by DMV.¶¶

(b) A Disabled Person Parking Permit Application/Renewal: Individuals (DMV form 735-265), as described in OAR 735-080-0020(1), that includes the Certificate of Disability included on the application completed by the holder's licensed physician, licensed nurse practitioner or licensed physician assistant signed and dated no more than six months prior to the receipt of the application by DMV.¶¶

(c) A Disabled Person Parking Family Placard Application (DMV form 735-265 FPP) that includes the Certificate of Disability, included on the Application, completed by the ~~family's~~ licensed physician treating the disabled individual, and signed and dated no more than six months prior to the receipt of the application by DMV.¶¶

(d) An Application for Program Disabled Person Parking Permit Placard (DMV form 735-265PP).¶¶

(e) A Parking Identification Card and Disabled Person Parking Permit Placard Application (DMV form 735-265PIP) that meets requirements described in OAR 735-080-0060 including the Certificate of Disability, included on the application, completed by the holder's licensed physician, licensed nurse practitioner or licensed physician assistant.

Statutory/Other Authority: ORS 184.619, 802.010, 811.602, 811.603, 811.605, 811.607, 811.609, 811.613, 811.616

Statutes/Other Implemented: ORS 811.602, 811.603, 811.605, 811.607, 811.609, 811.613, 811.616