

Secretary of State
NOTICE OF PROPOSED RULEMAKING*

A Statement of Need and Fiscal Impact accompanies this form.

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

735

Administrative Rules Chapter Number

Lauri Kunze
Rules Coordinator

355 Capitol St. NE, Rm. 29 Salem, OR 97301
Address

lauri.g.kunze@odot.state.or.us

(503) 986-3171
Telephone

RULE CAPTION

Determination of Ownership for Financial Responsibility Purposes

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

RULEMAKING ACTION

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

AMEND: 735-050-0000

REPEAL:

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

AMEND & RENUMBER: Secure approval of rule numbers with the Administrative Rules Unit prior to filing.

ORS 184.616, 184.619, 802.010, 806.010 and Sec. 3, Ch 99, OL 2007
Stat. Auth..

None

Other Authority

ORS 806.010
Stats. Implemented

RULE SUMMARY

OAR 735-050-0000 establishes when a person is considered an owner of a vehicle for the requirements of the financial responsibility laws, ORS Chapter 806 (financial responsibility). DMV amended OAR 735-050-0000 effective January 1, 2008 to implement Oregon Laws 2007, chapter 99, related to domestic partnerships. In amending the rule, DMV inadvertently changed language in Section (5) to eliminate an exemption from financial responsibility for persons listed as joint owners of a vehicle who do not live together, for example a parent and a child who attends college. DMV proposes to amend OAR 735-050-0000(5) to clarify that an exemption from financial responsibility is available to persons who are not married or in a domestic partnership and do not live together. Other changes are made for clarity and to make terms consistent.

Text of proposed and recently adopted ODOT rules can be found at web site <http://www.oregon.gov/ODOT/CS/RULES/>.

A public rulemaking hearing may be requested in writing by 10 or more people, or by an association 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 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.

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.

July 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 OAR 735-050-0000

Rule Caption: Determination of Ownership for Financial Responsibility Purposes

Statutory Authority: ORS 184.616, 184.619, 802.010, 806.010 and Sec. 3, Ch 99, OL 2007

Other Authority: None

Statutes Implemented: ORS 806.010

Need for the Rule(s): OAR 735-050-0000 establishes when a person is considered an owner of a vehicle for the requirements of the financial responsibility laws, ORS Chapter 806 (financial responsibility). DMV amended OAR 735-050-0000 effective January 1, 2008 to implement Oregon Laws 2007, chapter 99, related to domestic partnerships. In amending the rule, DMV inadvertently changed language in Section (5) to eliminate an exemption from financial responsibility for persons listed as joint owners of a vehicle who do not live together, for example a parent and a child who attends college. DMV proposes to amend OAR 735-050-0000(5) to clarify that an exemption from financial responsibility is available to persons who are not married or in a domestic partnership and do not live together. Other changes are made for clarity and to make terms consistent.

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; this proposed amendment only affects 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?: No

If not, why?: The change being proposed corrects a drafting error in implementing Oregon Laws 2007, Chapter 99. No assistance from an advisory group was needed to correct the unintended consequences and to amend the rule so that those who would qualify for an exemption in the past will continue to qualify for an exemption.

Authorized Signer

Lauri Kunze
Printed name

Date