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735-050-0000

Determination of Ownership

(1) Any person whose name appears as an owner on the *[motor]* vehicle registration will be considered an owner for **the requirements of the financial responsibility laws (financial responsibility), ORS Chapter 807, [purposes,]** unless exempted under sections (3) through (5) of this rule. Unless otherwise provided, any person seeking an exemption under this *[order]* **rule** must furnish the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) with: *[a self serving affidavit and an affidavit against interest from the person who holds the primary ownership interest in the motor vehicle. However, the affidavit against interest requirement may be waived if the department determines it to be unfeasible.]*

(a) A signed affidavit setting forth the reasons the person should not be considered an owner for purposes of financial responsibility; and

(b) An affidavit signed by the person who has the primary ownership interest in the vehicle explaining why he or she should be considered the owner for purposes of financial responsibility. This affidavit may be waived if DMV determines it is unfeasible to obtain the affidavit.

(2) Where the *[parties]* **owners** are married or in a domestic partnership and living together, both *[parties will be]* **are** considered owners.

(3) Where the *[parties]* **owners** are married or in a domestic partnership and living apart, an owner may be exempted from **the requirements of** financial responsibility by *[showing that]* **providing proof** there has been a complete relinquishment of the *[motor]* vehicle by such *[person]* **owner to the other owner. Proof includes, but is not limited to, [A] a separation agreement showing the date [at which complete relinquishment] ownership of the [motor] vehicle [occurred is also satisfactory] was relinquished, or the affidavits described in section (1) of this rule.**

(4) *[Where there is a dissolution of marriage or of a domestic partnership, and the parties have had joint ownership of a vehicle,]* **Where the marriage or domestic partnership of joint owners of a vehicle is dissolved** it is the responsibility of the *[person]* **owner** who obtains possession of the vehicle through a dissolution decree to transfer the title by presenting an application for transfer of title and a copy of the **dissolution** decree to DMV. If the *[party]* **owner** awarded ownership of the vehicle by decree fails to transfer the title and is involved in an uninsured accident, the other *[party]* **owner** may be exempted from the requirements of *[the]* financial responsibility *[laws, ORS Chapter 806,]* if **proof is provided to** DMV *[determines]* that his or her ownership interest has been extinguished by a dissolution decree. The person must present an affidavit that he or she no longer has possession or use of the vehicle and a copy of the dissolution decree to DMV.

(5) Where *[persons are living together other than spouses or in a domestic partnership]* **the owners are not married and not in a domestic partnership, [a person] an owner** may be exempted from the requirements of *[the]* financial responsibility *[laws, ORS Chapter 806, only]*

when DMV determines the person does not [*exhibit any incidents of having*] **have** the right to immediate possession **and use** of the [*motor*] vehicle. [*The following are the incidents of who has*] **DMV may consider the following as proof of** the right to immediate possession **and use**:

(a) [*The person who*] **Documentation one owner** has paid or is paying all or a substantial part of the purchase price of the [*motor*] vehicle[. *Evidence of payments will be required by DMV*];

(b) [*The person who*] **Documentation one owner** has paid the major portion of the **vehicle's** maintenance and operation costs[. *If possible, this will be supported by documentation*]; and

(c) [*The person who*] **Documentation or an affidavit showing one owner** uses the [*car*] **vehicle** the greater amount of time.

(6) [*Where a person has sold a motor vehicle and has transferred possession to the buyer but the application for transfer of title has not been presented to DMV, he will be considered an owner for financial responsibility purposes, unless the seller can produce affidavits, as provided in section (1) of this rule, or a written purchase agreement signed by the buyer showing that the right to immediate possession rests in the buyer.*] **When an owner transfers his or her interest in a vehicle by sale or otherwise (transferor), and transfers possession of the vehicle to the new owner (transferee), the transferor is considered the owner for purposes of financial responsibility unless:**

(a) An application for transfer of title has been presented to DMV; or

(b) The transferor provides proof satisfactory to DMV that his or her interest in the vehicle has been transferred and showing that the transferee has the right to immediate possession and use of the vehicle. Such proof includes, but is not limited to, a written purchase agreement or bill of sale signed by the transferee or the affidavits described in section (1) of this rule.

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

Stats. Implemented: ORS 806.010