

735-050-0000

Determination of Ownership

(1) Any person whose name appears as an owner on the vehicle registration will be considered an owner for the requirements of the financial responsibility laws (financial responsibility), ORS Chapter 806, unless exempted under sections (3) through (5) of this rule. Unless otherwise provided, any person seeking an exemption under this rule must furnish the Driver and Motor Vehicle Services Division of the Department of Transportation (DMV) with:

(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 owners are married or in a domestic partnership and living together, both are considered owners.

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

(4) Where the marriage or domestic partnership of joint owners of a vehicle is dissolved it is the responsibility of the 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 owner awarded ownership of the vehicle by decree fails to transfer the title and is involved in an uninsured accident, the other owner may be exempted from the requirements of financial responsibility if proof is provided to DMV 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 the owners are not married and not in a domestic partnership, an owner may be exempted from the requirements of financial responsibility when DMV determines the person does not have the right to immediate possession and use of the vehicle. DMV may consider the following as proof of the right to immediate possession and use:

(a) Documentation one owner has paid or is paying all or a substantial part of the purchase price of the vehicle;

(b) Documentation one owner has paid the major portion of the vehicle's maintenance and operation costs; and

(c) Documentation or an affidavit showing one owner uses the vehicle the greater amount of time.

(6) 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.