



**Your Safety • Your Mobility
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IDAHO TRANSPORTATION DEPARTMENT
Division of Motor Vehicles • dmv.idaho.gov
P.O. Box 7129 • Boise, ID 83707-1129

March 28, 2018

TL-PC-12-18 – Owner Request to Remove Own Name from Title Held by Co-Owner

Situations arise where an owner on a title wishes to have his/her name removed from the title but the title is in possession of a co-owner. The requestor typically is concerned about liability resulting from the vehicle's operation.

The conventional procedure for a person's name to be removed from a title requires that the title certificate be surrendered with an application submitted which reflects the desired change. This procedure cannot be performed when the co-owner holding the title refuses to cooperate and surrender the title.

In an effort to address customer concerns in these situations, ITD DMV Titles created a procedure in approximately the late 1990's to accommodate the requests. This procedure was as follows:

1. The customer submitted a request to ITD to have his/her name removed from the title together with a stop request form, a title stop fee, and a title reissuance fee.
2. ITD placed a stop on the title record and sent a letter to the title holder to request that the title be surrendered so the requestor's name could be removed and the title reissued in the holder's name. The letter requested action within 30 days.
3. If the title holder did not return the title within 30 days, ITD sent a second letter to the title holder which was entitled "Notice and Order to Show Cause", and which informed the title holder that if they did not surrender the title to remove the requestor's name within 20 days, ITD would reissue the title removing the requestor's name and send it to the title holder.
4. If 20 days passed without receiving the title, ITD would reissue the title removing the requestor's name and send it to the title holder.

Though customer-friendly, this 50-day procedure was labor-intensive and was not required by Idaho Code or administrative rule. The Operations Title Supervisor requested that the procedure be eliminated, due to staff workload concerns.

In place of this procedure, a customer in this situation is advised to file a release of liability. Section 49-526, Idaho Code indicates that when a vehicle is sold or transferred, the owner is to file a release of liability and when doing so according to the requirements therein, the owner would not be liable for the "death of or injury to a person or property resulting from negligence in the operation of his motor vehicle...", or for "any motor vehicle infractions, towing, storage, repair or service charges that may occur subsequent to delivery of the vehicle to a dealer, purchaser or other transferee." The owner requesting the removal of his/her name is, in a sense, "transferring" ownership – his half interest when there are two owners shown - to the co-owner on the title so though there is no guarantee the filing of a release of liability statement will relieve the owner of the described liability, this may be possible.

The customer may also petition the court to have his/her name removed from the title. Upon receipt of a court order directing ITD to do so, ITD will process the change when a certified or verified copy of the order is accompanied with an indemnifying affidavit, an application for title, and title fee.



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Legal Contacted? No.

Relevant Code or Rule:

[Idaho Code Section 49-526](#) – Release of Liability

[Idaho Code Section 49-2417](#) - Owner's Tort Liability for Negligence of Another — Subrogation

[Idaho Code Section 49-514](#) – Transfer of Ownership by Operation of Law
