MOTOR VEHICLE TITLE MANUAL

Texas Department of Motor Vehicles

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TxDMV October 2016

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TABLE OF CONTENTS

Chapter 1 General Provisions 1-1
1.1 Short Title 1-1
1.2 Purpose 1-1
1.3 Applicability 1-2
1.4 Conflicts with Business & Commerce Code Section 1-2

Chapter 2 Administration and Transaction Handling Procedures 2-1
2.1 Department Administration 2-1
Rules; Forms 2-1
Processing Of Application; Rules 2-1
Customer Inquiries 2-1
Release of Information 2-2
Requests from Incarcerated Individuals 2-2
Vehicle Record (History) 2-2
2.2 County Administration 2-2
Duty of and Responsibilities of County Assessor-Collector 2-2
Violation by County Assessor-Collector; Penalty 2-3
2.3 Rejected Title Transactions/Rejection Requests 2-3
Procedure 2-3
Retention of Rejected Title Transaction Documents 2-4
webDEALER Rejection Correction Procedure 2-5
2.4 Rejection Requests After Title Issuance (Revocation) 2-5
Correction to Information Printed on the Title is Necessary 2-5
No Correction to Information Printed on the Title is Necessary 2-5
2.5 Lost Title Transaction 2-6
2.6 Title Transaction Documents - Assembly Procedures 2-6
Assembly 2-6
2.7 Specially Marked Envelopes - Assembly Procedures 2-7
Important Notes 2-7
Examples of Unique Transaction Types 2-7
Apportioned RPO Envelope 2-7
NMVTIS Envelope 2-8
Red Flag Envelope 2-8
Special Handling Envelope 2-8
Specialty Plates Envelope 2-8
Mailing Instructions 2-8
2.8 Title Package Retention 2-9

Chapter 3 Fees 3-1
3.1 Collection and Disposition of Title Application Fees 3-1
3.2 Delinquent Transfer Penalty 3-2
Transfer Requirements 3-3
Filing Period 3-3
Filing Date 3-3

Determining Date of Assignment . . . 3-3
Penalty Amounts . . . 3-4
General Public . . . 3-4
Motor Vehicle Dealers . . . 3-4
Seller-Financed Sales . . . 3-4
Military Personnel . . . 3-4
Collection of Delinquent Transfer Penalties . . . 3-4
Out of State . . . 3-5
Exceptions . . . 3-5
Dealers . . . 3-6
Transfers by Operation of Law . . . 3-6
Applications for Corrected Title . . . 3-6
Insurance companies . . . 3-6
Salvage Vehicles . . . 3-6
Non-titled vehicles . . . 3-6
Rejected Transactions . . . 3-6
3.3 Allocation of Transfer Fees . . . 3-6
3.4 Nonrepairable or Salvage Vehicle Title Application Fees . . . 3-7
3.5 Rebuilt Salvage Fees . . . 3-7
3.6 Title Fee Chart . . . 3-7

Chapter 4 Definitions . . . 4-1
4.1 Definitions . . . 4-1
4.2 Remarks/Brands . . . 4-5

Chapter 5 Certificate of Title Requirements . . . 5-1
5.1 Applicability . . . 5-1
5.2 History . . . 5-1
History . . . 5-1
Effective Dates: . . . 5-2
Re-Registration . . . 5-2
5.3 Certificate of Title . . . 5-2
5.4 Motor Vehicle Title Required . . . 5-3
Retail Purchasers . . . 5-4
Non Titled Vehicles . . . 5-4
Farm Tractors . . . 5-4
Distinguishing Plates . . . 5-4
Machinery Plates . . . 5-4
Permit Plates . . . 5-4
5.5 Trailers and Semitrailers . . . 5-4
Evidence of ownership required . . . 5-4
Out of State . . . 5-5
Details and Clarifications . . . 5-5
5.6 Farm Trailers and Farm Semitrailers . . . 5-5
Title Requirements . . . 5-5
5.7 Issuance of Title to Government Agency . . . 5-5
State Government Vehicles . . . 5-6
Trailers . . . 5-6
Dealer Owned School District Vehicles . . . 5-6
Leased Vehicles . . . 5-6
Unconventional Machinery . . . 5-6
Fire Fighting Vehicles . . . 5-7

Civil Air Patrol 5-7
Volunteer Ambulance 5-7
Texas Facilities Commission 5-7
5.8 Federal Government Vehicles 5-8
Vehicles Leased from the Government 5-8
Local Government Vehicles 5-8
Private Mail Carriers 5-8
5.9 Office of Foreign Missions 5-8
5.10 Alias Certificate of Title 5-8
5.11 Sale or Offer without Title Receipt or Title 5-9

Chapter 6 Application and Issuance of Motor Vehicle Title 6-1
6.1 *Application for Texas Title and/or Registration* (Form 130-U) 6-1
Required Information 6-3
Make of Vehicle 6-3
Vehicle Identification Number 6-3
Current Texas License Plate Number and Month and Year of Expiration 6-3
Year Model 6-3
Body Style 6-4
Gross Vehicle Weight 6-4
Weight 6-4
Odometer Reading 6-5
Previous Owner 6-5
Legal Name of Owner 6-6
Signatures 6-6
Same Name for Owner and Lienholder 6-6
Stamps 6-6
Lessee and Lessor 6-6
Address of Owner 6-7
Address Confidentiality Program 6-7
Liens 6-8
One Document for Multiple Transactions 6-8
6.2 Place of Application 6-8
6.3 Personal Identification Information for Obtaining Title 6-9
Acceptable Form of Identification 6-9
Use of Federal Employer Identification/Employer Identification Number (FEIN/EIN) 6-10
Authority to Sign 6-11
Power of Attorney 6-11
Dealer Requirements 6-11
Social Security Number of Title Applicant 6-12
6.4 Title Only 6-12
Insurance Company Title Application on Paid Claim Vehicles 6-12
Miscellaneous 6-13
6.5 Registration Purposes Only (RPO) 6-13
Application for Registration Purposes Only 6-13
Application Fee 6-13
Evidence of Ownership 6-13
Out of State Evidence of Ownership 6-14
Apprehended Vehicles 6-14
Vehicles Located Out of State 6-14
Texas Licensed Dealers 6-14
Foreign/Imported Vehicles 6-14
Correction of Registration Purposes Only Record 6-15

Application for Negotiable Texas Title after Issuance of Registration Purposes Only 6-15
Registration Purposes Only Issued by Other States 6-15
6.6 Issuance of Title 6-15
Automatic Title Issuance 6-16
Encumbered Motor Vehicles 6-16
Unencumbered Motor Vehicles 6-16
Signature of Owner 6-16
6.7 Title Receipt 6-16
6.8 Duplicate Title Receipt 6-17
6.9 Alteration of Certificate or Receipt 6-17
6.10 Stop Title Requests 6-17
Temporary Hold Title Requests 6-18
6.11 Revocation Affidavits - First Sale Title Application 6-18
6.12 Corrected Title 6-20
6.13 Undeliverable/Returned Titles 6-20
6.14 Electronic Titling System 6-20
eTitle with Lien 6-20
eTitle without Lien 6-21

Chapter 7 Corrections 7-1
7.1 Statements of Fact 7-1
Altered Date of Assignment 7-2
7.2 Corrected Manufacturer's Certificate of Origin (MCO) 7-2
Incorrect Vehicle Identification Number (VIN) 7-2
Incorrect Weight 7-2
7.3 Correcting Rejected Title Applications 7-3
7.4 Corrected Texas Certificates of Title 7-3
Processing Corrected Titles 7-3
No Charge Corrected Titles 7-4
Record Showing Prior CCO Issued 7-5
Processing Correction on an ELT Record with an Error 7-5
Wrong Lienholder Recorded on an ELT Record 7-5
7.5 Incorrect Lien Recorded 7-6
7.6 Name Change 7-6
7.7 Duplicate Title Records 7-6
Removing Duplicate Records 7-6
VIN in Error 7-7
7.8 Title Record Superseded in Error 7-7
7.9 Switched Evidence 7-7
Incorrect Entries 7-7
Switched MCOs and One Vehicle Titled 7-8
Switched MCOs and Both Vehicles Titled 7-8
7.10 Vehicle Description Corrections 7-8
7.11 Motor and Permanent VIN Errors 7-8
MCO in Error 7-9
Error in Vehicle Inspection Report 7-9
Physically Altered VINS 7-9
7.12 Out of State Make, Year Model, and Body Style Errors 7-9
7.13 Optional Classification Vehicle 7-10
7.14 Adjusting Weights 7-10

Chapter 8 Refusal/Denial of Title 8-1
8.1 Grounds for Refusal to Issue, or for Revocation or Suspension of Title 8-1
Invalid Reasons for Rejecting a Transaction 8-2
8.2 Tax Assessor Collector Hearing 8-2
Insufficient evidence 8-3
Title Refused 8-3
Holding a Hearing 8-3
Documentation Lacking for Title Issuance 8-4
Hearings after Department Rejection 8-4
8.3 Bonded Title 8-5
Filing of Bond as Alternative to Hearing 8-6
Initial Requirements 8-6
Final Requirements 8-6
Ineligible Transactions 8-6
Review of Evidence 8-7
Rejection Letter 8-8
Identification Requirement 8-8
Determining Vehicle Values 8-8
Vehicle Value Undetermined 8-8
Brands and Remarks 8-9
Liens 8-9
Suspended or Revoked Existing Titles 8-9
County Processing 8-10
Late Transactions 8-11
Required Documentation 8-11
Fee Collection 8-11
Assemble the Transaction 8-11
Surety Bonds Expires 8-12
Lost Bonded Title Transactions 8-12
Receivership or Liquidation of Surety Company 8-12
8.4 Denial for Failure to Provide Proof of Emissions Testing 8-13
Requirement, Proof, and Exemptions 8-13
8.5 Denial for Safety Responsibility Suspension 8-13

Chapter 9 Transfer of Ownership 9-1
9.1 Definition 9-1
9.2 Sale of Vehicle; Transfer of Title 9-1
Sale or Offer without Title Receipt or Title 9-2
9.3 Title Assignments 9-2
Joint Ownership 9-2
Bills of Sale 9-2
Attorneys and Executors 9-3
Repossessions 9-3
Court Orders 9-3
Judicial Bill Of Sale 9-3
Abandoned Vehicles 9-3
Purchase and Merger of Firms 9-3
9.4 Dealer Assignments 9-4
Rules 9-4
9.5 Filing By Purchaser; Application For Transfer Of Title 9-5
Transfer Fee; Late Fee 9-5
9.6 Emissions Test on Resale 9-5
Affected County (or non-attainment) 9-6

Emissions Test on Resale 9-6
Proof of Compliance 9-6
Exemption 9-6
9.7 Delivery of Title to Purchaser of Used Motor Vehicle 9-7
9.8 Vehicle Transfer Notification 9-7
Notification of Vehicle Transfer 9-8
9.9 Violations and Penalties 9-9
Sales in Violation of Chapter 9-9
Execution of Transfer Documents; Penalty 9-9
General Penalty 9-9

Chapter 10 Evidence of Ownership 10-1
10.1 Definitions 10-1
10.2 Manufacturer's Certificate of Origin (MCO) 10-1
Required on First Sale 10-1
Required Information 10-3
Manufacturer’s Name 10-3
Date 10-3
Name and Address 10-3
Description of Vehicle 10-3
Weight 10-3
House Trailers 10-5
Travel Trailers 10-6
Motorcycles, Mopeds, Motor Scooters 10-6
Buses 10-6
Gross Vehicle Weight Rating (GVWR) 10-7
Signature of the Manufacturer's Agent 10-7
Back of Manufacturer’s Certificate of Origin 10-7
Rejected Transactions 10-8
Transactions Over Two Years Old 10-8
Oil Company Vehicles 10-9
10.3 Bill of Sale 10-9
10.4 Form 97, US Government Certificate to Title a Vehicle 10-10
Texas Dealer Purchaser 10-10
Texas Title with Liens 10-10
Missing Information 10-10
Donated Vehicles 10-11
10.5 Importer's Certificate 10-11
10.6 Registration and Military Registration Receipts 10-11
10.7 Miscellaneous Documents 10-11
Non-negotiable “Duplicate Original” Certificates of Title 10-12
Lien Recorded on a Negotiable Texas Title 10-12
Non-negotiable Title for Registration Purposes Only (RPO) 10-12
Use of Title or Registration Receipt 10-12

Chapter 11 Signature - Authority to Sign 11-1
11.1 Names 11-1
Legal Name and Signature Consistency 11-1
Joint ownership 11-2
Rights of Survivorship 11-2
11.2 Signature Formats 11-2
Joint Owners/Power of Attorney/Miscellaneous 11-3

Business Entities 11-3
Miscellaneous 11-5
Application for Title Signed by a Trustee and Authority Required 11-5
11.3 Powers of Attorney 11-6
Returning a Power-of-Attorney 11-7
Death of a Grantor 11-7
Executor or Administrator 11-7
Two or More Motor Vehicles 11-7
Firms, Associations, or Corporations 11-8
Two or More Persons as Attorneys 11-8
Signatures 11-8
General Power of Attorney 11-8
Durable Power of Attorney 11-8
Limited Power of Attorney 11-8
11.4 Secure Power of Attorney 11-9
Part A 11-9
Part B 11-9
Part C 11-9
11.5 Limited Power of Attorney for Eligible Motor Vehicle Transactions 11-10
11.6 Balloon-note Due Contract Limited Power of Attorney 11-10
Specifics of a Balloon Note Due Limited Power of Attorney 11-12
Acceptance of the limited Power of Attorney 11-13
Uncommon Circumstances 11-13
11.7 Issuance of New Certificate of Title Because of Subsequent Sales 11-13
11.8 Title and Dealer Assignments 11-13
11.9 Notarized Documents and Forms 11-14
Forms not Requiring Notarization 11-14
11.10 One Document for Multiple Transactions 11-14
11.11 Acknowledgment 11-14

Chapter 12 Liens 12-1
12.1 Definitions 12-1
12.2 Perfection of Security Interest 12-1
12.3 Sale or Security Interest Not Created by Certain Vehicle Leases 12-2
12.4 Recordation of Security Interest 12-2
Protection for the Lender 12-3
Liens not Noted on Certificates and Titles 12-3
Liens Noted on Certificates and Titles 12-3
12.5 Lien Information on *Application for Texas Title and/or Registration* (Form 130-U) 12-4
Lien Wording 12-4
Altered Lien Information 12-4
Date 12-4
Name 12-4
Address 12-4
Rejected Form VTR-500-RTS 12-5
Out of State Vehicles 12-5
Priority of Liens 12-5
Errors and Forgery 12-6
Second Liens 12-6
Joint Liens 12-6
Lienholders' Address 12-6
Corrected Titles 12-6
Exempt Vehicles 12-6

Et Al 12-6
Liens on Component Parts 12-7
12.6 Income Tax Liens 12-7
12.7 Accessories Liens 12-7
12.8 Restitution Liens 12-7
Lienholder 12-7
Filing/Perfection 12-8
Fees 12-8
Priority 12-8
Release of Lien 12-8
12.9 Landowner's Lien 12-9
Filing/Perfection 12-9
Lien Amount 12-9
Release of Lien 12-9
Priority 12-9
12.10 Child Support Liens 12-9
Filing/Perfection 12-10
Priority 12-10
Release of Lien 12-10
12.11 Transfer of Equity 12-10
Assignment of Lien 12-10
Application for Texas Title 12-11
Supporting Information 12-12
12.12 Release of Liens 12-12
Missing Records 12-12
Executing Release of Liens 12-13
First or Second Liens 12-13
Multiple Lienholders 12-14
Out of State Liens 12-15
Transfers of Equity 12-16
Manufacturer's Certificate of Origin (MCO) 12-16
Court Orders 12-16
Electronic Lien 12-16
12.13 Liens Over 10 Years Old 12-16
12.14 Electronic Lien Title (ELT) 12-17
Definitions 12-18
e-Title 12-18
e-Lienholder or e-Title Lienholder 12-18
Certified Lienholder 12-18
Local Lienholder 12-18
ELT Lienholder Certification 12-18
ELT Vendor Approval 12-19
Application for an Electronic Lien Title 12-19
ELT Remarks 12-19
Electronic Data Transmissions 12-19
Identifying a prior ELT Title 12-19
Owners Obtaining a Printed Title 12-20

Chapter 13 Vehicle Identification Numbers 13-1
13.1 Vehicle Identification Number (VIN) Overview 13-1
Definitions 13-1
Vehicle Major Component Parts 13-2
Body 13-2

Frame 13-2
Motor 13-3
Junked Vehicles 13-3
1955 and Prior Vehicles 13-3
1968 and Later Vehicles 13-3
1981 and Later Vehicles 13-3
Manufacturer's VIN 13-4
1995 and Later GM Vehicles 13-4
Prefixes and Suffixes 13-4
13.2 Motor Numbers 13-4
Motor Number Required for Vehicle Registration 13-4
Application for Motor Number Record 13-4
13.3 Serial Numbers 13-5
13.4 Motorcycles and Motor Scooters 13-5
13.5 House Trailers, Trailers, and Semitrailers 13-5
Identification Numbers 13-5
Trailers Without Frames 13-6
Homemade Trailers 13-6
13.6 Reassigned Vehicle Identification Number (VIN) 13-6
Reissuing VINs 13-6
Inspection 13-6
Issuance and Installation 13-7
Missing Identification Numbers 13-7
Title Implications 13-7
13.7 Assignment of Identification Number by Department 13-7
Altered Manufacturer's VIN 13-8
Application 13-9
Approval and Installation 13-9
Exempt Agency Vehicles 13-9
13.8 Homemade/Shopmade House Trailers (HT Prefix Numbers), and Trailers & Semitrailers (TR Prefix Numbers) 13-9
Application 13-11
Installation 13-11
Non-Titled 13-11
13.9 After Installation of Assigned Numbers 13-12
Assigned Equipment Numbers 13-12
Assigned Component Part Numbers 13-12
13.10 Cancellation of Assigned Number 13-13
13.11 Number Assigned by Another State 13-13
13.12 VIN Standards (Processing of ‘I’ and ‘O’) 13-13
13.13 Seized and Forfeited Vehicles 13-13
13.14 Recovered Out of State Stolen Vehicles 13-14
Justice of the Peace (JP) Orders 13-14

Chapter 14 Vehicle Types 14-1
14.1 Definitions 14-1
14.2 Motorcycle 14-2
Motorcycle 14-2
Autocycle 14-3
Enclosed Three Wheeled Motorcycles 14-3
14.3 Moped 14-3
VIN 14-4
14.4 Trailer/Semitrailer 14-4
Definitions 14-4

Serial Numbers 14-4
Lack of Serial Number 14-4
Trailers Without Frames 14-5
Evidence of Ownership 14-5
Out of State Trailers 14-5
Empty Weight 14-5
14.5 Homemade/Shopmade Trailers or Semitrailers 14-5
Titled Homemade Trailers and Semitrailers 14-5
Non-Titled Homemade Trailers and Semitrailers: 14-6
Optional Title for Trailers under 4,000 Pounds 14-6
14.6 Farm Trailer/Farm Semitrailer 14-6
Title Requirements 14-7
Light Trailers 14-7
Heavy Trailers 14-7
Trailer Sales 14-8
Farm Semitrailers 14-8
Titled Semitrailers 14-8
Trailers In Excess of 34,000 Pounds 14-8
Temporary Additional Weight Receipts 14-8
14.7 House, Camper, and Travel Trailers 14-9
Definition 14-9
Utility Trailers 14-9
Evidence of Ownership 14-9
Out of State Trailers 14-9
14.8 Park Model Trailers 14-9
Evidence of Ownership 14-10
Move Permits 14-10
14.9 Mobile Office Trailers 14-10
14.10 Motor Homes 14-10
Definition 14-10
Mounted Units 14-11
14.11 Golf Carts and Other Miniature Type Vehicles 14-11
Title Requirements 14-11
Slow Moving Vehicles 14-11
Mini-trucks 14-11
14.12 Neighborhood Electric Vehicles 14-12
Registration and Title 14-12
Evidence of Ownership 14-12
Operation 14-12
Neighborhood Transportation Vehicles 14-13
14.13 Off-Highway Use Vehicles 14-13
Off-Highway Use Motorcycles 14-13
Requirement of Title 14-13
Evidence of Ownership 14-13
Vehicle Identification Number 14-13
Modified Off-Highway Motorcycles 14-14
All-Terrain Vehicle (ATV) 14-14
Definition 14-14
Recreational Off-highway Vehicle (ROV) 14-14
Definition 14-14
Title Requirements 14-15
Title Exemption for ATVs and ROVs 14-15
14.14 Miscellaneous Vehicle Types 14-16
Machinery/Permit Vehicle Plates 14-16

Trailer Jockey 14-17
Farm Tractor/Road Tractor 14-17
Implements of Husbandry 14-17
Former Military Vehicle 14-17

Chapter 15 Odometers 15-1
15.1 Odometer Disclosure Statement 15-1
Federal Truth in Mileage Act of 1986 15-1
15.2 Vehicles Exempt from Disclosure 15-2
15.3 Application for Title/Title Assignment 15-2
Metric Odometers 15-2
Texas Titles 15-3
Out of State Titles 15-3
Manufacturer's Certificate of Origin 15-3
Applications for Registration Purposes Only 15-3
Salvage Titles 15-3
US Government Certificate to Obtain Title to a Vehicle, Form 97 15-4
Corrected Title Transactions 15-4
Title Application Fails to Record an Odometer Reading 15-4
Exempt Agencies 15-4
15.4 Odometer Title Brand 15-4
15.5 Operation of Law Title Transfers 15-4
Unrecovered Stolen Vehicles 15-4
15.6 Odometer Issues 15-5
Vehicles Without Odometers 15-5
Broken or Inoperable Odometers 15-5
Repaired or Replaced Odometers 15-5
Odometer Discrepancies 15-6
Letter Preceding Numbers in Odometer Field 15-6
15.7 Correcting Odometer Errors 15-6
Odometer Errors on a Title 15-6
Odometer Errors Caught by NMVTIS 15-6
15.8 Power of Attorney to Transfer Ownership and Disclose Mileage 15-7

Chapter 16 Operation of Law 16-1
16.1 Transfer of Vehicle by Operation of Law 16-1
16.2 Definitions and Distinctions 16-2
16.3 Transfers Originating Out of State 16-3
16.4 Estates of Decedents 16-3
Administration by Executor or Administrator 16-3
Testate 16-3
Letters Testamentary [Estates Code 306] 16-3
Letters of Administration [Estates Code 306] 16-3
Administration Not Granted [Estates Code 306] 16-3
More than One Executor or Administrator [Estates Code 307] 16-4
Independent Administration 16-4
Muniment of Title [Estates Code 257] 16-4
Executor or Administrator not to Purchase [Estates Code 356] 16-5
Summary Court Officer as Administrator 16-5
Guardians for minors, etc. 16-5
Certificate of Title Lost - Deceased Owner 16-5
Certificate of Title Lost (Deceased Lienholder) 16-6

Joint Wills and Ownership Changes 16-7
No Administration and None Necessary [Estates Code 201] 16-7
Affidavit by all Heirs 16-7
Affidavit of Heirship(s) by Disinterested Person(s) 16-8
Minor Heirs 16-9
Small Estates [Estates Code 205] 16-9
Deceased Before Transfer Completed 16-9
16.5 Trusts 16-10
Transferring a Title to a Trust 16-10
Transferring a Title from a Trust 16-10
16.6 Bankruptcies 16-11
Recorded Lien 16-11
Receivership 16-12
16.7 Bank Liquidations 16-12
Repossessions 16-12
16.8 Repossessions 16-12
Required Evidence 16-12
Texas Title Evidence 16-13
Out of State Evidence 16-13
“Floor Plan” Lien Evidence 16-14
Repossession Affidavit Evidence 16-14
Judicial Sale/Writs of Sequestration 16-15
Cosigners 16-15
Repossession Affidavits 16-15
16.9 Judicial Sale 16-15
Writs of Sequestration 16-16
16.10 Seized and Forfeited Vehicles 16-16
Proof of Safety Requirements 16-17
Contraband Laws 16-17
Seizure and Sale by Comptroller 16-18
Seizure and Sale by Texas Alcoholic Beverage Commission 16-18
Liquor Laws 16-18
Customs Laws 16-18
16.11 U.S. Bill of Sale 16-18
16.12 Change of Name (Texas Family Code - Chapter 45) 16-19
16.13 Divorce Suits 16-19
16.14 Judgments and Decrees 16-20
16.15 Judicial Declaration of Incompetence 16-20
16.16 Texas Uniform Gifts or Transfers to Minors Act 16-20
16.17 Judicial Orders 16-20
Justice of the Peace (JP) or Municipal Judge Order 16-21
County or District Court Judge Order 16-21

Chapter 17 Rights of Survivorship 17-1
17.1 Rights of Survivorship Agreement 17-1
Notarized Affidavits 17-2
Death Certificate 17-2
17.2 Rights of Survivorship Agreement Between Spouses 17-2
Application for Texas Title 17-2
17.3 Corrected Title to Add Rights of Survivorship 17-3
17.4 Survivorship Rights Remark not Shown on the Title 17-3
Agreement on the Title 17-3
Agreements Retained in Personal Records 17-3

17.5 Persons That are Not Married . . . 17-3
Title Shows Survivorship Rights . . . 17-3
Title Does Not Show Survivorship Rights . . . 17-4
17.6 Includes a Married Person but not Their Spouse . . . 17-4
17.7 Title Does Not Show Rights of Survivorship . . . 17-5
17.8 Includes the Seller of the Vehicle . . . 17-5
17.9 Rights of Survivorship Agreement Represents Joint Ownership . . . 17-6
17.10 Rights of Survivorship Agreement Signed in Error . . . 17-6
17.11 Revoking the Rights of Survivorship Agreement . . . 17-6
17.12 Title Requirements for the Survivor(s) . . . 17-6
17.13 Entry of Rights of Survivorship into RTS . . . 17-6
17.14 Unable to Determine Survivor . . . 17-8

Chapter 18 Out of State Requirements . . . 18-1
18.1 Motor Vehicles Brought Into State . . . 18-1
18.2 Requirement for Title . . . 18-1
18.3 Evidence of Ownership . . . 18-2
Assignment or Release of Ownership . . . 18-2
Undisclosed Liens . . . 18-3
Restricted Titles . . . 18-3
Current Registration Receipt . . . 18-4
Validated Receipt . . . 18-4
Registration Receipt . . . 18-4
Registration Receipt from a Non-title State . . . 18-4
Joint Ownership . . . 18-4
Estates . . . 18-4
18.4 Electronic Lien and Title (ELT) System . . . 18-4
18.5 VIN Inspection . . . 18-5
Vehicle Inspection Report . . . 18-5
Motor Number of 1955 and Prior Models . . . 18-6
Serial Number of 1956 and Later Models . . . 18-6
Identification Number and Vehicle Description Errors . . . 18-6
Information Agreement . . . 18-6
License Numbers . . . 18-6
Inspection Information . . . 18-6
Vehicle Inspection . . . 18-7
Vehicles Located Outside of Texas . . . 18-7
VIN CERTIFICATION WAIVED . . . 18-8
18.6 Vehicles Not Subject to Inspection . . . 18-8
18.7 Vehicles from Indian Reservations . . . 18-9
18.8 Trailers and Semitrailers Last Registered or Titled Out of State . . . 18-9
18.9 Apprehended Out of State Vehicles . . . 18-9
18.10 Out of State Miscellaneous . . . 18-10
Registration Purposes Only . . . 18-10
Out of State License Plates . . . 18-10
Mixed Component Parts . . . 18-10
18.11 Certificate of Title Information for Each State . . . 18-10

Chapter 19 Imported Vehicles . . . 19-1
19.1 Motor Vehicles Brought Into State . . . 19-1
19.2 Evidence of Ownership . . . 19-2
National Reference Guides . . . 19-3

Vehicle Registration and Title Canceled Upon Export . . . 19-3
Manufacturer's Certificate of Origin (MCO) . . . 19-3
Foreign Bills of Sale . . . 19-3
Transfers to the Applicant . . . 19-3
The Notation D.B.A. . . . 19-3
Salvage Vehicles . . . 19-3
Document Alterations . . . 19-4
19.3 Additional Documentation . . . 19-4
19.4 Proof of Compliance with USDOT Safety Requirements . . . 19-4
USDOT Form HS-7 . . . 19-5
Automated Broker Interface (ABI) system . . . 19-5
USDOT Safety Certification . . . 19-5
Vehicles Imported Under Bond . . . 19-5
Vehicle Inspections . . . 19-6
USDOT Form HS-7 Problems . . . 19-6
Proof of Compliance . . . 19-6
Exceptions . . . 19-6
Vehicles assembled in Mexico . . . 19-7
19.5 United States Customs Entry/Clearance Documentation . . . 19-8
19.6 Registration Purposes Only (RPO) for Foreign Vehicles . . . 19-8
Required Documentation . . . 19-9
19.7 Tax Collectors Hearing or Bonded Title for Foreign Vehicles . . . 19-9
19.8 List of Manufacturers to Notify For Proof of Compliance . . . 19-9

Chapter 20 Military . . . 20-1
20.1 Entry of Motor Vehicles into the United States . . . 20-1
Military Registration . . . 20-1
Foreign Titles . . . 20-1
Post Exchanges . . . 20-2
20.2 Deployed Military Protections . . . 20-2
20.3 Certain Military Personnel Exempt from Title Fees . . . 20-2
Hostile Fire Zones as Designated by the Secretary of Defense . . . 20-3
Military Orders Example . . . 20-4

Chapter 21 Theft and Fraudulent Activities . . . 21-1
21.1 Definitions . . . 21-1
21.2 Record of Stolen or Concealed Motor Vehicle . . . 21-1
Law Enforcement Procedures . . . 21-2
Titles Marked Stolen . . . 21-2
Total Loss Claims on Stolen Vehicles . . . 21-3
Application for Title . . . 21-3
Application Fees . . . 21-3
Vehicle Record . . . 21-3
Recovered Stolen Vehicles . . . 21-3
21.3 Placement of Serial Number With Intent to Change Identity . . . 21-3
21.4 Rightful Owner/Right of Possession . . . 21-4
21.5 Justice of the Peace Orders . . . 21-4
21.6 Sale or Offer Without Title Receipt or Title . . . 21-5
21.7 Application for Title for Stolen or Concealed Vehicle . . . 21-5
21.8 Alteration of Certificate or Receipt . . . 21-5
21.9 False Name, False Information and Forgery . . . 21-5
21.10 Penalties . . . 21-5

21.11 Seizure of Stolen Vehicle or Vehicle With Altered Vehicle Identification Number 21-5

Chapter 22 Abandoned Vehicles 22-1
22.1 Definitions 22-1
Abandoned Motor Vehicle 22-2
Junked Vehicle 22-2
22.2 Taking Custody of Abandoned Motor Vehicle 22-3
Towed Vehicles 22-5
Garage Charges and Responsibilities 22-5
22.3 Auction or Use of Abandoned Items; Waiver of Rights 22-6
Auction Proceeds 22-7
Application for Title 22-8
22.4 Garagekeeper's Duties: Abandoned Motor Vehicles 22-9
Garagekeeper's Fees and Charges 22-10
Unauthorized Storage Fee; Offense 22-11
22.5 Disposal of Vehicle Abandoned in Storage Facility 22-11
22.6 Disposal to Demolisher 22-12
Additional Disposal Procedure 22-13
Nonrepairable Vehicle Title 22-13
Contents of Application; Application Fee 22-14
Department to Provide Notice 22-14
Authority to Dispose of Vehicle 22-14
Demolisher's Duty 22-15
22.7 Vehicles Abandoned in Coastal Waters 22-15
22.8 Public Nuisance Vehicles 22-16
Authority to Abate Nuisance; Procedures 22-17
Notice 22-18
Hearing 22-18
Alternative Procedure for Administrative Hearing 22-19
Inapplicability of Subchapter 22-19
Junked Vehicle Disposal 22-20
22.9 Miscellaneous: Statutes, Uses, Offense, Etc. 22-20
Conflict of Laws; Effect on Other Laws 22-20
Law Enforcement Agency Use of Certain Abandoned Motor Vehicles 22-20
Rules and Forms 22-21
Demolisher's Records; Offense 22-21
Municipal Requirements 22-21
Offense 22-22

Chapter 23 Foreclosure of Miscellaneous Liens 23-1
23.1 Mechanic's Lien 23-1
General Information 23-1
Registration Determination 23-1
Signed Work Order 23-1
Repossession 23-2
Owner Inspection 23-2
Storage Fees 23-2
Financial Agreements 23-3
Mechanic's Notification Requirements 23-3
Foreclosure Notice 23-3
Notice by Newspaper Publication 23-4
Copy of Notice to County Tax Assessor-Collector 23-4

Administrative Fee 23-5
Newspaper Publication 23-5
County Tax Assessor-Collector's Office Notification Requirements 23-5
Public Sale 23-5
Storage Charges Not Included 23-6
Storage Charges Included 23-6
Proceeds 23-6
Evidence Required to Transfer Ownership 23-6
23.2 Franchise Mechanic's Lien 23-7
General Information 23-8
Registration Determination 23-8
Signed Work Order 23-8
Repossession 23-8
Storage Fees 23-9
Financial Agreements 23-9
Mechanic's Notification Requirements 23-9
Foreclosure Notice 23-9
Notice by Newspaper Publication 23-10
Copy of Notice to County Tax Assessor-Collector 23-11
Public Sale 23-11
Storage Charges Not Included 23-11
Storage Charges Included 23-11
Proceeds 23-11
Evidence Required to Transfer Ownership 23-11
23.3 Storage Lien 23-12
General Information 23-13
Abandoned Motor Vehicle 23-13
Registration Determination 23-13
Law Enforcement Authorized Tow 23-13
Procedure 1: Consent 23-13
Procedure 2: Non-Consent 23-14
Storage Lien Notification Requirements 23-14
Notice to Remove Vehicle 23-14
Law Enforcement Notification 23-15
Notice by Newspaper Publication 23-15
Public Sale 23-16
Proceeds 23-16
Evidence Required to Transfer Ownership 23-16
23.4 Licensed Vehicle Storage Facility Lien 23-17
General Information 23-17
Vehicle Storage Facility Notifications Requirements 23-17
First Notice (Notice to Owner or Lienholder) 23-18
Law Enforcement Notification 23-19
Second Notice (Consent to Sale) 23-19
Notification by Newspaper 23-19
Public Sale 23-21
Evidence Required to Support the Application for Title 23-21
Abandoned Nuisance Vehicle 23-22
Evidence Required to Support the Application for Authority to Dispose 23-22
23.5 Self-Service Storage Facility Lien 23-23
General Information 23-23
Priority of Self Service Storage Liens 23-23
Rental/Lease Agreement 23-24
Servicemembers 23-24

Self-Service Storage Facility Notification Requirements 23-24
Notice of Claim 23-24
Notice of Sale 23-25
Timing of the Notice of Claim and Notice of Sale 23-25
Notice to Owner(s) and Lienholder(s) 23-25
Newspaper Publication 23-26
Public Sale 23-27
Evidence Required to Transfer Ownership 23-27
23.6 Landlord's Lien 23-28
General Information 23-28
Rental/Lease Agreement 23-28
Ownership 23-28
Exempt/Non-Exempt Property 23-28
Landlord’s Notification Requirements 23-29
Seizure of Property Notice 23-29
Notices of Sale 23-29
Public Sale 23-29
Excess Proceeds 23-29
Evidence Required to Transfer Ownership 23-29
23.7 Verification of Title and/or Registration 23-30
Type of Mailing 23-31
Not Applicable 23-31
No Record Found/VIN Verification Required 23-31
New Owner or Lienholder Recorded 23-31
23.8 Acceptable Proof of Notifications 23-31
Certified Mail, Return Receipt 23-31
PS Form 3877 23-32
Lost Return Receipt 23-32
Electronic Certified Mail 23-32
Verified Mail 23-33
Newspaper Publication 23-33
Evidence of Mailing 23-33
23.9 Miscellaneous Information Regarding Lien Foreclosure 23-33
Newspaper of General Circulation 23-33
Liens Occurring Out of State 23-33
Renewal Recipient Notification 23-33
Innocent Purchasers 23-34
Dealer Purchases 23-34
Deployed Military Protections 23-34
23.10 Nonrepairable Vehicles 23-34
Purchase at Public Sale 23-34
Mechanics Filing to Junk a Vehicle 23-34

Chapter 24 Certified Copies 24-1
24.1 Lost or Destroyed Certificate of Title 24-1
24.2 Certified Copy of Title 24-2
Submission 24-2
Verification of Ownership 24-3
Multiple CCO Requests 24-3
24.3 Certified Copy of Duplicate Original Title (CCDO) 24-4
24.4 Safety Responsibility Act 24-4
24.5 Owner Verification Procedures/Acceptable Identification 24-4
Acceptable Form of Current Identification 24-4

Requirements 24-5
Power of Attorney 24-5
Applying on Behalf of an Entity 24-6
24.6 Title Records Recording a Lien 24-6
Multiple Lienholders 24-6
Missing Lienholders 24-7
Certified Copies 24-7
Deceased Owners 24-7
24.7 Verifiable Proof for Lienholders Applying for Certified Copies of Titles 24-7
Lost Titles 24-8
Agents of the Recorded Lienholders 24-8
Agents Letter of Signature 24-8
Transfers of Equity 24-9
Power of Attorney Applicants 24-9
24.8 Business Owner(s) of Record/Verified Agent of Business 24-10
Power of Attorney 24-10
24.9 Vehicles Titled in the Name of a Trust 24-10
Individual Trustees 24-11
Business Trustees for Individual Trusts 24-11
24.10 Retention of Documentation Returned 24-11
24.11 Certified Copy of Title Denial Alternatives 24-11
24.12 Title Transfers Involving Fraudulent/Questionable Certified Copies of Title 24-12
VIN Inspections 24-12
Questionable Certified Copies of Title 24-12
DPS SIS Investigation 24-13
Errors 24-13
Stolen Notices 24-13
24.13 CCO Requests for Electronic Lien Records 24-14
A Paper Release of Lien is Not Acceptable 24-14
Prior ELT Records Released to a Third Party 24-14

Chapter 25 Motor Vehicle Dealers 25-1
25.1 Definitions and General Information 25-1
Definitions 25-1
Licensing 25-2
Licensing Inquiries 25-2
Vehicle Sales 25-3
Title Assignment 25-3
Non-franchised (NF) Dealers 25-4
Franchised Dealers 25-4
25.2 Duty of Vehicle Dealer on Sale of Certain Vehicles 25-4
25.3 Requirement for Motor Vehicle Dealers 25-6
Motor Vehicle Definition 25-6
Sales Tax 25-6
Proof of Insurance 25-7
County of Title Issuance 25-7
Identification Requirements 25-7
25.4 Dealer’s Reassignment of Title for a Motor Vehicle (Form VTR-41-A) 25-7
Vehicles Sold for Export Only 25-9
25.5 Export Only Requirements and Procedures 25-9
25.6 Processing Title Transactions Involving Dealer Bankruptcy 25-10
Evidence of Ownership Not Available 25-10
Payment of Fees 25-11

Waiver of Fees 25-11
Bankruptcy or Closure and Withheld Fees 25-11
Texas Title – Expired Registration 25-11
Texas Title – Current Registration 25-12
No Record 25-12

Chapter 26 Miscellaneous 26-1
26.1 Definitions 26-1
26.2 Application of Subchapter 26-1
26.3 Register of Repairs 26-1
26.4 Register of Used Motor Vehicle Sales and Purchases 26-2
26.5 Replacement of Cylinder Block 26-2
Record of Replaced Cylinder Block 26-2
26.6 Maintenance of Records 26-2
26.7 Criminal Penalty 26-3
26.8 Export-Only Salvage Comparison Chart 26-3

LIST OF TABLES

Table 2-1 Mailing Instructions 2-8
Table 3-1 Title Fee Chart 3-7
Table 4-1 Remarks/Brands 4-5
Table 10-1 Minimum Carrying Capacity for Trucks 10-7
Table 11-1 Application for Title Signed By A Trustee And Authority Required 11-5
Table 18-1 Title Information for Each State 18-10
Table 19-1 List of Manufacturers to Notify For Proof of Compliance 19-9
Table 20-1 Hostile Fire Zones 20-3
Table 24-1 Evidence of Ownership 24-3
Table 25-1 Export Only Requirements and Procedures 25-9
Table 26-1 Export-only Motor Vehicle Sales: Comparison 26-3

Chapter 1

GENERAL PROVISIONS

This chapter contains the following sections:

- ***1.1*** Short Title
- ***1.2*** Purpose
- ***1.3*** Applicability
- ***1.4*** Conflicts with Business & Commerce Code Section

1.1 Short Title

Transportation Code Section 501.001

This chapter may be cited as the Certificate of Title Act.

The Certificate of Title Act was enacted in 1939 by the 46th Texas Legislature and created a public policy for titling of motor vehicles in Texas.

On May 3, 1941, the 47th Texas Legislature amended the Certificate of Title Act to change the state agency responsible for titling motor vehicles from the Texas Department of Public Safety to what was then called the Texas Highway Department. Later the department became the Texas Department of Transportation. Now the Texas Department of Motor Vehicles provides these services.

Effective Dates:

- Motor Vehicles - October 1, 1939
- House Trailers - July 1, 1947
- Trailers and Semitrailers - August 11, 1959
- Camper Trailers - September 1, 1967
- Off-Highway Motorcycles - September 1, 1975
- Mopeds - September 1, 1983
- ATVs - September 1, 1985
- Recreational Off-Highway Vehicles - September 1, 2009

1.2 Purpose

Transportation Code Section 501.003

This chapter shall be liberally construed to lessen and prevent:

(1) the theft of motor vehicles;

(2) the importation into this state of and traffic in motor vehicles that are stolen; and

(3) the sale of an encumbered motor vehicle without the enforced disclosure to the purchaser of a lien secured by the vehicle.

1.3 Applicability

Transportation Code Section 501.004

(a) Except as provided by this section, this chapter applies to all motor vehicles, including a motor vehicle owned by the state or a political subdivision of the state.

(b) This chapter does not apply to:

(1) a trailer or semitrailer used only for the transportation of farm products if the products are not transported for hire;

(2) the filing or recording of a lien that is created only on an automobile accessory, including a tire, radio, or heater;

(3) a motor vehicle while it is owned or operated by the United States; or

(4) a new motor vehicle on loan to a political subdivision of the state for use only in a driver education course conducted by an entity exempt from licensure under Section 1001.002, Education Code.

See Chapter 5, "Certificate of Title Requirements", for more information.

1.4 Conflicts with Business & Commerce Code Section

Transportation Code Section 501.005

Chapters 1-9, Business & Commerce Code, control over a conflicting provision of this chapter.

Chapter 2

ADMINISTRATION AND TRANSACTION HANDLING PROCEDURES

This chapter contains the following:

- ***2.1*** Department Administration
- ***2.2*** County Administration
- ***2.3*** Rejected Title Transactions/Rejection Requests
- ***2.4*** Rejection Requests After Title Issuance (Revocation)
- ***2.5*** Lost Title Transaction
- ***2.6*** Title Transaction Documents - Assembly Procedures
- ***2.7*** Specially Marked Envelopes - Assembly Procedures
- ***2.8*** Title Package Retention

2.1 Department Administration

Rules; Forms

Transportation Code Section 501.0041

(a) The department may adopt rules to administer this chapter.

(b) The department shall post forms on the Internet and provide each county assessor-collector with a sufficient supply of any necessary forms on request.

Processing Of Application; Rules

This section delegates authority to the department to adopt administrative rules and regulations necessary to administer the Certificate of Title Act. The majority of regulations governing the titling of motor vehicles are found in this Act and you may find the adopted rules in the Texas Administrative Code, Title 43, Chapter 217.

There are many forms shown in this manual that are prescribed (approved) but not provided by the department.

Customer Inquiries

The Texas Department of Motor Vehicles (TxDMV) maintains a telephone information center to provide title and registration service support. The Call Center's telephone number is (512) 465-3000 or toll-free 1-888-368-4689. Send written correspondence to TxDMV - VTR, 4000 Jackson Ave, Austin, Texas 78731 or by internet at `www.txdmv.gov/`. In addition, there are TxDMV Regional Service Centers located in various counties throughout the state to provide support and assistance to the local county tax assessor-collectors, law enforcement agencies, and the general public.

Release of Information

The release of information contained in VTR's motor vehicle records is restricted by the Texas Motor Vehicle Records Disclosure Act (Transportation Code, Chapter 730), and the federal Driver's Privacy Protection Act 18 U.S.C. 2721-2725).

VTR provides non-personal information, such as vehicle specific information including year, make, model, weight, and the title/document number and status without restriction in response to an inquiry by vehicle identification number (VIN).

VTR cannot disclose personal information (names and addresses) within the department's motor vehicle records unless a person requesting the information submits a written request on a *Request for Texas Motor Vehicle Information* (Form VTR-275) with a revision date of 09/2011 or later) and certifies:

- they are a subject of the record;
- they have written authorization from a subject of the record; or
- the intended use is for one of the permitted uses defined by law.

VTR cannot disclose motor vehicle record information in response to a telephone inquiry by license plate number. The only exception to this law is a subpoena or court order that orders VTR to provide a title history or copies of the vehicle's documents. On receipt of a subpoena or court order, VTR must provide the requested information and a *Request for Texas Motor Vehicle Information* (Form VTR-275) is not required.

Note: NMVTIS records are for Department Use Only and may not be provided outside of the TxDMV. Individuals needing to obtain NMVTIS records may do so at `http://www.txdmv.gov/titlecheck`**.**

Requests from Incarcerated Individuals

VTR may also deny requests for motor vehicle record information from individuals who are incarcerated (imprisoned or confined in a correctional facility) pursuant to Government Code, §552.028. (Refer to the `TxDMV Motor Vehicle Registration Manual`.)

Vehicle Record (History)

VTR images and maintains a record of all evidence submitted in support of an application for Texas title for a period of ten years. If there is a question as to the legality of a transfer of a motor vehicle, the transaction documents may be used to determine if the transfer was fraudulent. A court of competent jurisdiction must make this determination.

VTR only provides copies of any documents contained in a vehicle record to persons who complete a *Request for Texas Motor Vehicle Information* (Form VTR-275). (Refer to the Release of Information section above.)

2.2 County Administration

Duty of and Responsibilities of County Assessor-Collector

Transportation Code Section 520.005

(a) Each county assessor-collector shall comply with Chapter 501.

(b) An assessor-collector who fails or refuses to comply with Chapter 501 is liable on the assessor-collector's official bond for resulting damages suffered by any person.

(c) Notwithstanding the requirements of Section 520.0071, the assessor-collector may license franchised and non-franchised motor vehicle dealers to title and register motor vehicles in accordance with rules adopted under Section 520.004. The county assessor-collector may pay a fee to a motor vehicle dealer independent of or as part of the portion of the fees that would be collected by the county for each title and registration receipt issued.

(d) Each county assessor-collector shall process a registration renewal through an online system designated by the department.

County tax assessor-collectors and their deputies may not accept an application for Texas title unless the evidence of ownership and supporting documents are in proper order and comply with the provisions of the Certificate of Title Act.

Violation by County Assessor-Collector; Penalty

Transportation Code Section 502.480

(a) A county assessor-collector commits an offense if the county assessor-collector knowingly accepts an application for the registration of a motor vehicle that:

(1) has had the original motor number or vehicle identification number removed, erased, or destroyed; and

(2) does not bear a motor number or vehicle identification number assigned by the department.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than $10 and not more than $50.

2.3 Rejected Title Transactions/Rejection Requests

All county rejection requests must be submitted electronically through the county's local TxDMV Regional Service Center. Rejection requests via making a photocopy of the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS), writing "*REJECTION*" on it, and submitting it in the Rejection Specially Marked Envelope have been eliminated.

The rejection request must only include the Vehicle Identification Number, Document Number, the reason for rejection, and whether or not the paperwork is still in the county's office. Do not include any additional information such as the license plate number or scanned copies of the receipt.

Procedure

The following procedures apply to the rejection of title transactions the county tax assessor-collector's office determines to be incorrect after the "voiding" period has expired:

1. The county tax assessor-collector's office should stamp or write the word "Rejection" in the lower portion of the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS). The county tax assessor-collector's office should immediately contact their local TxDMV Regional Service Center and request a REJECTION be placed on the transaction. The original title transaction should remain at the county tax assessor-collector's office until the corrections are made. If the title transaction has been mailed before the error is discovered, the county tax assessor-collector's office should notify their TxDMV Regional Service Center.

2. After the original title transaction has been corrected, counties should mail it to the vendor, unless the transaction requires special handling (see Chapter 2, Section 2.6 Title Transaction Documents - Assembly Procedures and Chapter 2, Section 2.7 Specially Marked Envelopes - Assembly Procedures).

   - Title transactions corrected through the RTS Correct Title Rejection Event should remain in place with the other title transactions processed for the same day.
   - Counties should separate transactions that cannot be corrected through RTS and send to VTR in the appropriate Specially Marked Envelope.

Note: Do not use this process for a "stop" title request unless the title transaction has a valid rejection. Otherwise, a temporary restraining order or temporary injunction issued from a county or district court is required to stop the title from issuing (See Chapter 6, Section 6.10 Stop Title Requests).

Retention of Rejected Title Transaction Documents

County tax assessor-collector offices should follow the procedures in this section regarding the retention of rejected title transaction documents. Retain all documents that remain uncorrected or unresolved for a minimum period of two years. Base the start of the retention period on the date that the title transaction was rejected.

Note: Extending this retention period may be warranted based on any ongoing communication with a customer trying to resolve the problem.

At the end of two years, review the file for each rejected title transaction to verify that the county tax assessor-collector's office attempted to contact the customer or owner/lienholder shown on the title application. The contact documentation may include, but is not limited to:

- copies of all correspondence that was sent to the customer - certified mail delivery confirmation
- any notes that were taken during phone calls or attempted calls
- screen shots showing internet search for phone and address information

If no contact information is available on file, the county tax assessor-collector's office should make an attempt to contact the customer to resolve the pending issues. If all attempts to resolve the rejected title transaction are unsuccessful after two years, shred the original title transaction documents.

Advise customers who contact the office after destruction of the documents to pursue a Tax Collector Hearing, Bonded Title, or Court Order procedure to obtain title.

webDEALER Rejection Correction Procedure

Rejected webDEALER transactions must be processed in the RTS Correct Title Rejection event. As a result, copies of the documentation originally submitted in webDEALER must be printed out and attached to any new documents submitted to facilitate the correction and the new RTS Reject Correction receipt. The complete, corrected transaction should be sent to either OpenText or VTR, as applicable.

2.4 Rejection Requests After Title Issuance (Revocation)

Correction to Information Printed on the Title is Necessary

Once a title has been issued and a correction to the title is required (such as an omitted brand, omitted lien, odometer, etc.), please submit a request to your local TxDMV Regional Service Center for the transaction to be revoked. In this situation, you will need to submit a copy of the transaction, if available, along with the necessary details explaining the circumstances for the request. Send the original paperwork to the imaging vendor. No special handling is required. The department will notify the applicant that their title has been revoked and to return it to the department for correction.

No Correction to Information Printed on the Title is Necessary

If a title has been issued and a correction to the title document is not required (such as the transaction is missing signatures or paperwork), you may obtain the missing items, and attach them to the title transaction once received. Send the original paperwork to the imaging vendor. No further action will be required on your part, and a revocation would not be required in this situation.

However, if a title has been issued and you are unable to obtain the missing documentation or signature after contacting the customer (within a reasonable time), the only options will be to place a legal restraint on the record and/or revoke the title. You may make this request, to prevent further title transfer or registration renewal, through your local TxDMV Regional Service Center. In this situation, you will need to submit a copy of the transaction, if available, along with the necessary details explaining the circumstances for the request. Send the original paperwork to the imaging vendor. The department will also notify the applicant of the legal restraint (and title revocation, if applicable) and provide instruction to the owner on record for resolving the matter. If the applicant returns to your office to submit missing documentation or provide the missing signatures, send the documentation to the department in the existing Special Handling Envelope (or behind a colored coversheet), so the legal restraint and/or title revocation can be removed from the record, as applicable.

2.5 Lost Title Transaction

When a transaction is rejected and it is determined to be lost, but a correction is required, the reason for rejection should be addressed without the paperwork. The county tax assessor-collector's office and their local TxDMV Regional Service Center will coordinate the appropriate steps to resolve the reason for rejection. Any supporting documentation, such as a new *Application for Texas Title and/or Registration* (Form 130-U) should support the correction.

If the transaction included a Certificate of Title Surety Bond, then a duplicate bond with original signatures and a power of attorney are also required when processing the correction.

2.6 Title Transaction Documents - Assembly Procedures

This section contains title transaction assembly procedures for county tax assessor-collector's offices. Title transaction documents are sent to the TxDMV imaging vendor.

Assembly

Documents should be assembled in the following order for each title transaction and securely stapled together one inch from the top left corner:

Note: This list is not intended as an all-inclusive list of supporting evidence.

1. *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS).
2. *Application for Texas Title and/or Registration* (Form 130-U).
3. Evidence of Ownership:
   - Manufacturer's Certificate of Origin (MCO);
   - *Texas Certificate of Title* (Form 30-C);
   - *Texas Certified Copy of Title* (Form 30-CCO);
   - Negotiable out of state title;
   - Out of state/country registration receipt;
   - Foreign evidence of ownership;
   - Valid court order (county level or higher);
   - County Tax Assessor-Collector's Ruling;
   - Original Surety Bond or *Certificate of Title Surety Bond* (Form VTR-130-SB) (and, if applicable a Surety Bond Rider and a Power of Attorney);
   - *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97);
   - Bill of Sale.
4. Other Supporting Evidence:
   - *Tax Collector's Receipt for Texas Title Application/Registration/Motor Vehicle Tax* (Form VTR-31-RTS);

- *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A);
- *Limited Power of Attorney for Eligible Motor Transactions* (Form VTR-271);
- *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A);
- Bill of Sale;
- The TxDMV Regional Service Center's "Rejection" letter establishing the amount of the bond;
- *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF);
- Documents used to establish the bond amount (i.e., photocopies or printouts of the applicable reference pages or the original appraisal of the vehicle);
- For persons claiming the orthopedically handicapped exemption to the motor vehicle sales tax, *Texas Motor Vehicle Orthopedically Handicapped Exemption Certificate* (Form 14-318);
- *Affidavit of Motor Vehicle Gift Transfer* (Form 14-317).

5. Out of state vehicles:

- *Vehicle Identification Number Certification* (Form VTR-270);or
- *Law Enforcement Identification Number Inspection* (Form VTR-68-A);
- Vehicle Inspection Report.

2.7 Specially Marked Envelopes - Assembly Procedures

This section contains Specially Marked Envelope assembly procedures for county tax assessor-collector's offices. Specially Marked Envelopes contain unique transaction types and supporting documentation that require additional processing within VTR. Specially Marked Envelopes are sent to the TxDMV VTR Division.

Important Notes

- **DO NOT SUBMIT** Non-Title Vehicle Receipts, Vehicle Transfer Notifications, Additional Collections Receipts, Funds Remittance Reports, Funds Summary Reports, Hot Check Redemptions, Title Package Reports, Rejection Requests, or Voided Transactions.
- **TRANSACTIONS REQUIRING ADDITIONAL PROCESSING SHOULD BE** sorted by type and placed within separate, appropriate Specially Marked Envelopes or behind colored coversheets.

Examples of Unique Transaction Types

The following transaction types should be submitted in 8 ½" x 11" Specially Marked Envelopes, or under a colored cover sheet, and should **ALWAYS** be sent to VTR. These transaction should **NEVER** be sent directly to the imaging vendor.

Apportioned RPO Envelope

- All Registration Purposes Only Apportioned transactions.

NMVTIS Envelope

- Errors unable to be corrected by the county tax assessor-collector's office and sent to the department for review and removal of the NMVTIS HOLD.
- Any transaction with a BRAND HOLD, **even after** the transaction has been corrected through RTS to apply the brand.

Red Flag Envelope

- Suspicious documentation that suggests possible title fraud or odometer tampering.

Special Handling Envelope

Similar transactions should be labeled and grouped together within this envelope.

- Transactions that have any "Legal Restraint" (CR, DCYM, OP, OR, etc.) on the record.
- Transactions involving "Switched Ownership Evidence."
- Transactions involving *ASE Safety Inspection for Assembled Vehicles* (Form VTR-852) (Send Form VTR-852 and transaction together. Do NOT separate).
- Transactions involving "Invalid VINs" with proof of VIN validation *Law Enforcement Identification Number Inspection* (Form VTR-68-A), Vehicle Inspection Report, photo, or pencil tracing.

Specialty Plates Envelope

- Qualifying Specialty License Plate applications such as: Exempt Vehicle, Military, Organizational Membership, or Veteran **without** the accompanying title transaction (the actual title transaction should stay with the bundles sent for imaging).

Mailing Instructions

Table 2-1 Mailing Instructions

TYPE	ADDRESS
Mail Specially Marked Envelopes To:	Texas Department of Motor Vehicles Vehicle Titles and Registration Division PO Box 26420 Austin, TX 78755-0420
Mail Original Title Transaction Documents To:	OpenText 10537 Gulfdale Drive San Antonio, TX 78216

Note: Do NOT include checks.

2.8 Title Package Retention

All Title Packages must be retained at the county tax assessor-collector's office for a minimum of three business days from the processing date before being mailed to the department. For example, all transactions processed on Monday should be mailed no earlier than Thursday. A county tax assessor-collector's business practices may require longer retention; however, the department requires a minimum of three business days. Additionally, Title Packages should not be retained at a county tax assessor-collector's office for more than two weeks (14 calendar days) from the date of processing.

Chapter 3

FEES

This chapter contains the following sections:

- ***3.1*** Collection and Disposition of Title Application Fees
- ***3.2*** Delinquent Transfer Penalty
- ***3.3*** Allocation of Transfer Fees
- ***3.4*** Nonrepairable or Salvage Vehicle Title Application Fees
- ***3.5*** Rebuilt Salvage Fees
- ***3.6*** Title Fee Chart

3.1 Collection and Disposition of Title Application Fees

Transportation Code Section 501.138

(a) An applicant for a title, other than the state or a political subdivision of the state, must pay a fee of:

(1) $33 if the applicant's residence is a county located within a nonattainment area as defined under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407), as amended, or is an affected county, as defined by Section 386.001, Health and Safety Code; or

(2) $28 if the applicant's residence is any other county.

(b) The fees shall be distributed as follows:

(1) $5 of the fee to the county treasurer for deposit in the officers' salary fund;

(2) $8 of the fee to the department:

(A) together with the application within the time prescribed by Section 501.023; or

(B) if the fee is deposited in an interest-bearing account or certificate in the county depository or invested in an investment authorized by Subchapter A, Chapter 2256, Government Code, not later than the 35th day after the date on which the fee is received; and

(3) the following amount to the comptroller at the time and in the manner prescribed by the comptroller:

(A) $20 of the fee if the applicant's residence is a county located within a nonattainment area as defined under Section 107(d) of the federal Clean Air Act (42 U.S.C. Section 7407), as amended, or is an affected county, as defined by Section 386.001, Health and Safety Code; or

(B) $15 of the fee if the applicant's residence is any other county.

(b-1) Fees collected under Subsection (b) to be sent to the comptroller shall be deposited to the credit of the Texas Mobility Fund, except that $5 of each fee imposed under Subsection (a)(1) and deposited on or after September 1, 2008, and before September 1, 2015, shall be deposited to the credit of the Texas emissions reduction plan fund.

(b-2)[Expires August 30, 2019] The comptroller shall establish a record of the amount of the fees deposited to the credit of the Texas Mobility Fund under Subsection (b-1). On or before the fifth workday of each month, the Texas Department of Transportation shall remit to the comptroller for deposit to the credit of the Texas emissions reduction plan fund an amount of money equal to the amount of the fees deposited by the comptroller to the credit of the Texas Mobility Fund under Subsection (b-1) in the preceding month. The Texas Department of Transportation shall use for remittance to the comptroller as required by this subsection money in the state highway fund that is not required to be used for a purpose specified by Section 7-a, Article VIII, Texas Constitution, and may not use for that remittance money received by this state under the congestion mitigation and air quality improvement program established under 23 U.S.C. Section 149.

(c) [Expires August 31, 2019] This subsection and Subsection (b-2) expire August 31, 2019.

(d) Of the amount received under Subsection (b)(2), the department shall deposit:

(1) $5 in the general revenue fund; and

(2) $3 to the credit of the Texas Department of Motor Vehicles fund to recover the expenses necessary to administer this chapter.

(e) The county owns all interest earned on fees deposited or invested under Subsection (b)(2)(B). The county treasurer shall credit that interest to the county general fund.

Transportation Code Section 501.139

A county assessor-collector that transfers money to the department under this chapter shall transfer the money electronically.

The county tax assessor-collector's office must report the department's share of title fees, together with all applications for title that are filed, within 24 hours after receipt. However, the county tax assessor-collector's office may defer remittance of the fees for no more than 34 days provided the fees are deposited in an interest bearing account or certificate in the county depository or any investment authorized under the Public Funds Investment Act (Government Code, Chapter 2256). All interest earned under these conditions belongs to the county. If interest is earned on State funds deposited outside the county depository, or if interest is earned on State funds covering periods in excess of the 34 days, the interest belongs to the department.

3.2 Delinquent Transfer Penalty

Transportation Code Section 501.146

(a) If the application for the transfer of title is not filed during the period provided by Section 501.145, the late fee is to be paid to the county assessor-collector when the application is filed. If the seller holds a general distinguishing number issued under Chapter 503 of this code or Chapter 2301, Occupations Code, the seller is liable for the late fee in the amount of $10. If the seller does not hold a general distinguishing number, subject to Subsection (b) the applicant's late fee is $25.

(b) If the application is filed after the 60th day after the date the purchaser was assigned ownership of the documents under Section 501.0721, the late fee imposed under Subsection (a) accrues an additional penalty in the amount of $25 for each subsequent 30-day period, or portion of a 30-day period, in which the application is not filed.

(c) Subsections (a) and (b) do not apply if the motor vehicle is eligible to be issued:

(1) classic vehicle license plates under Section 504.501; or

(2) antique vehicle license plates under Section 504.502.

(d) A late fee imposed under this section may not exceed $250.

Transfer Requirements

The purchaser of a vehicle (dealers exempted) must file an application for transfer of title and registration with the county tax assessor-collector within 30 days of the date of assignment, if required. A delinquent transfer penalty is assessed if the purchaser fails to apply for title within the 30-day filing period.

Note: Active duty military personnel must file transfers within 60 days after the date of sale or pay a delinquent transfer penalty.

The amount of the delinquent transfer penalty varies dependent on when the transaction is filed and who is filing the transaction.

This statute makes no provisions for anyone to waive the delinquent transfer penalty when the penalty is due.

Filing Period

Thirty days starts with the day following the date of assignment on the title. Use the date of assignment on the title and the filing date in determining the thirty day or sixty-day period.

Filing Date

The date an application is accepted by a county tax assessor-collector's office is the official filing date. This date is indicated on the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS)**,** or *Tax Collector's Receipt for Texas Title Application/Registration/Motor Vehicle Tax* (Form VTR-31-RTS) and on the application.

Determining Date of Assignment

When available the date of assignment on the Certificate of Title or MCO should be used. If unavailable, to determine the date of assignment/sale:

- Court Orders:
  - **a.** Use the date on the Bill of Sale; if not available, then
  - **b.** Use the date the court order was signed by the judge (or made effective)
- Bonded Titles and Title Hearings:

a. Use the date on the Bill of Sale; if not available, then

b. Use the date of sale reported on the *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF).

Penalty Amounts

General Public

When an application is filed on the 31st day after the date of sale or later (except military) and is subject to delinquent transfer penalties, the penalties are:

- $25 if filed on the 31st day after the date of sale; and
- an additional $25 for each subsequent 30 day period or portion of a 30 day period.
- The penalty may not exceed $250.

Motor Vehicle Dealers

When a transaction is filed by a Texas licensed dealer on or after the 31st day after the date of sale, the transaction is subject to a delinquent transfer penalty of $10, regardless of how late it is filed.

Seller-Financed Sales

When a seller-financed transaction is filed on the 46th day after the date of sale or later, the transaction is subject to a delinquent transfer penalty of $10 regardless of how late it is filed.

Military Personnel

When an application is filed on the 61st working day after the date of sale or later it is subject to delinquent transfer penalties as follows:

- $25 if filed on or after the 61st day after the date of sale; and
- an additional $25 penalty for each subsequent 30 day period or portion of a 30 day period.
- The penalty may not exceed $250.

Note: Transfers prior to January 1, 2008 have a flat $10 delinquent transfer penalty. HB 481 from the 80th Texas Legislative Session increased the penalty from a flat $10 fee to the monthly fees, however Section 5 of that bill "grandfathered" transfers prior to the effective date of January 1, 2008.

Collection of Delinquent Transfer Penalties

Counties should collect all delinquent transfer penalties in accordance with the following types of ownership documents (regardless of whether the vehicle is currently registered):

- Manufacturer Certificate of Origin (MCO)
- Out of State Certificate of Title
- Original Texas Certificate of Title
- Certified Copy of a Texas Certificate of Title
- Form 97, U.S. Government Certificate to Obtain Title to a Vehicle
- Government Bill of Sale

- Auction Sales Receipt
- Bonded Titles
- Court Orders
- Title Hearings
- Storage Liens
- Mechanic's Liens
- Foreign Evidence
- Heirship Form
- Military Registration
- Repossession
- Previously Registered as Exempt

Note: The delinquent transfer penalty should only be collected if a vehicle was previously registered with Exempt license plates and is transferring to a non-exempt license plate.

Out of State

Under the Tax Code, sales tax collection begins when the vehicle enters the state, whereas Transportation Code, Section 501.145, requires the date of assignment to be used. The Date of Assignment and Sales Tax Date are currently one and the same in RTS. For out of state titles and out of state Manufacturer's Certificate of Origin (MCO) transfers, use the first documented date in Texas to calculate the sales tax penalty. The delinquent transfer penalty located on the Sales Tax (TTL012) screen in RTS will need to be calculated manually.

Exceptions

The Delinquent Transfer Penalty does not apply to the following:

- Vehicles that are eligible to be issued classic/antique plates under section 504.501 and 504.502
- A motor vehicle dealer that is applying for title in the dealership name
- Vehicles owned by exempt agencies
- Vehicles transferred by *Operation of Law* (for example repossessions, Affidavit of Heirship) unless a sale (public or auction) has occurred
- Corrected title transactions (no transfer of ownership)
- Stolen vehicles being titled by insurance companies
- Vehicles covered by salvage ownership documents (Texas or out of state), nonrepairable title, salvage certificate, etc.
- Non-titled vehicles (trailers/semitrailers, farm trailers/farm semitrailers, Permit or Machinery plated vehicles)
- Optionally titled trailers

Note: Vehicles owned by exempt agencies are only exempt when the vehicle is being transferred to another exempt agency. If an exempt vehicle is being transferred to a non-exempt purchaser, the transfer is eligible for the delinquent transfer penalty.

Dealers

A dealer is exempt from the thirty day filing period when an application for Texas title is filed in the name of the dealership, provided the dealer has a current dealer number and the number is shown in the transaction.

Transfers by Operation of Law

The person to whom a vehicle is transferred by operation of law (refer to Transfer of Vehicle by Operation of Law) is exempt from the thirty day filing period. For example, the person designated as purchaser on an affidavit of heirship is not subject to the penalty nor is a lienholder who repossesses a vehicle. However, in case of repossession, if the lienholder assigns title, the purchaser would not be exempt from the penalty (unless assigned to a dealer possessing a current dealer number).

Applications for Corrected Title

The 30 day filing period does not apply to applications for corrected title since no transfer is involved.

Insurance companies

The penalty does not apply when an application for Texas title is filed by an insurance company on a stolen vehicle provided the application is accompanied by an affidavit stating that the vehicle was stolen and a total loss claim has been paid.

Salvage Vehicles

The penalty does not apply to the purchaser of a vehicle, which is transferred on a salvage ownership document (Salvage Certificate, Salvage Vehicle Title, Nonrepairable Vehicle Title or out of state salvage document).

Non-titled vehicles

The penalty does not apply to non-titled vehicles, including:

- Vehicles issued PERMIT or MACHINERY license plates;
- Trailers and semitrailers with a gross weight of 4,000 pounds or under; or
- Non-titled farm trailers and farm semitrailers.

Rejected Transactions

If a vehicle purchaser attempts to file application for Texas title and the title transaction is rejected by a county tax assessor-collector’s office because the transaction is not in proper order, the purchaser is liable for the delinquent transfer penalty if the 30 day period has expired at the time the application is subsequently and correctly filed.

3.3 Allocation of Transfer Fees

Transportation Code Section 501.148

(a) The county assessor-collector may retain as commission for services provided under this subchapter half of each late fee.

(b) The county assessor-collector shall report and remit the balance of the fees collected to the department on Monday of each week as other fees are required to be reported and remitted. The department shall deposit the remitted fees in the state treasury to the credit of the Texas Department of Motor Vehicles fund.

(c) Of each late fee collected from a person who does not hold a general distinguishing number by the department under Subsection (b), $10 may be used only to fund a statewide public awareness campaign designed to inform and educate the public about the provisions of this chapter.

Title and transfer penalty fees are itemized on the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS)**,** or *Tax Collector's Receipt for Texas Title Application/Registration/Motor Vehicle Tax* (Form VTR-31-RTS). These fees appear on appropriate reports generated by the registration and title systems, which also denote the fee split between the county and the department.

3.4 Nonrepairable or Salvage Vehicle Title Application Fees

Refer to the `TxDMV Salvage/Nonrepairable Motor Vehicle Manual`.

3.5 Rebuilt Salvage Fees

Refer to the `TxDMV Salvage/Nonrepairable Motor Vehicle Manual`.

3.6 Title Fee Chart

These are title fees only. Sales tax and registration fees may also apply.

Table 3-1 Title Fee Chart

Fee	Fee Amount
Title Application	$33.00 (Non-attainment county) $28.00 (other, Attainment county)
Rebuilt Salvage	$65.00
Salvage Vehicle Title	$8.00
Nonrepairable Vehicle Title	$8.00
Certified Copy of Texas Certificate of Title	$2.00 (if mailed in) $5.45 (in person, at Regional Service Centers)
Certified Copy of Texas Salvage Vehicle Title	$2.00 (mail in is the only option)
Certified Copy of Texas Nonrepairable Vehicle Title	$2.00 (mail in is the only option)
Bonded Title Application Fee	$15.00
Restitution Lien Fee	$5.00 (plus title application fee)
Foreclosure Lien Notification Fee	$25.00

Chapter 4

DEFINITIONS

This chapter contains the following:

- ***4.1*** Definitions
- ***4.2*** Remarks/Brands

4.1 Definitions

Transportation Code Section 501.002

In this chapter:

(1) "Certificate of title" means a printed record of title issued under Section 501.021. (See "Transportation Code Section 501.021")

(2) "Credit card" means a card, plate, or similar device used to make a purchase or to borrow money.

(3) Dealer" has the meaning assigned by Section 503.001.

503.001(4) states "Dealer" means a person who regularly and actively buys, sells, or exchanges vehicles at an established and permanent location. The term includes a franchised motor vehicle dealer, an independent motor vehicle dealer, and a wholesale vehicle dealer.

(4) "Debit card" means a card that enables the holder to withdraw money or to have the cost of a purchase charged directly to the holder's bank account.

(5) "Department" means the Texas Department of Motor Vehicles.

The name of the State Highway Department was changed to the State Department of Highways and Public Transportation by the 64th Texas Legislature, Regular Session, 1975, and more recently changed from the State Department of Highways and Public Transportation to the Texas Department of Transportation by the 72nd Texas Legislature, First Called Session, 1991. The 81st Texas Legislature formed a new Texas Department of Motor Vehicles currently responsible for vehicle titling and registration. Consequently, a reference in law to the "department," "Highway Department," "State Highway Department," "State Department of Highways and Public Transportation," or "Texas Department of Transportation" may be construed as meaning the "Texas Department of Motor Vehicles."

(6) "Distributor" has the meaning assigned by Section 2301.002, Occupations Code.

(7) "Electric bicycle" has the meaning assigned by Section 541.201.

(8) "First sale" means:

(A) the bargain, sale, transfer, or delivery of a motor vehicle that has not been previously registered or titled, with intent to pass an interest in the motor vehicle, other than a lien, regardless of where the bargain, sale, transfer, or delivery occurred; and

(B) the registration or titling of that vehicle.

(9) "House trailer" means a trailer designed for human habitation. The term does not include manufactured housing.

(10) "Importer" means a person, other than a manufacturer, that brings a used motor vehicle into this state for sale in this state.

(11) "Importer's certificate" means a certificate for a used motor vehicle brought into this state for sale in this state.

Since the title law was passed in 1939, the volume of out of state vehicles being brought into this state by residents, nonresidents, new residents, members of the Armed Forces, auto auction companies, and dealers has grown to such extent that it is almost impossible for a county tax assessor-collector's office to determine whether the vehicle was brought into this state for the purpose of sale as provided by this section. For this reason, counties should not reject an application for Texas title supported by proper evidence of ownership for lack of an attached importer's certificate.

(12) "Lien" means:

(A) a lien provided for by the constitution or statute in a motor vehicle; or

(B) a security interest, as defined by Section 1.201, Business & Commerce Code, in a motor vehicle, other than an absolute title, created by any written security agreement, as defined by Section 9.102, Business & Commerce Code, including a lease, conditional sales contract, deed of trust, chattel mortgage, trust receipt, or reservation of title.

(C) a child support lien under Chapter 157, Family Code.

(13) "Manufactured housing" has the meaning assigned by Chapter 1201, Occupations Code.

Under the Texas Manufactured Housing Standards Act, the term "manufactured housing" includes mobile homes. Therefore, mobile homes are excluded from the provisions of the Certificate of Title Act.

(14) "Manufacturer" has the meaning assigned by Section 503.001.

In addition to persons engaged in the business of manufacturing new motor vehicles, the term "Manufacturer" includes persons engaged in the business of assembling vehicles for resale using all new component parts. All manufacturers are required to furnish a Manufacturer's Certificate of Origin (MCO) covering the entire vehicle they assemble, and the MCO must conform to the MCO approved by VTR except for trailer manufacturers. Trailer manufacturers are not required to utilize an MCO printed by a "secured" process; however, VTR recommends the "secure" MCO.

(15) "Manufacturer's permanent vehicle identification number" means the number affixed by the manufacturer to a motor vehicle in a manner and place easily accessible for physical examination and die-stamped or otherwise permanently affixed on one or more removable parts of the vehicle."

(16) Motorcycle" has the meaning assigned by Section 521.001 or 541.201, as applicable.

(17) Motor vehicle" means:

(A) any motor driven or propelled vehicle required to be registered under the laws of this state;

(B) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;

(C) a travel trailer;

(D) an all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or

(E) a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state.

(18) "New motor vehicle" has the meaning assigned by Section 2301.002, Occupations Code.

(19) "Owner" means a person, other than a manufacturer, importer, distributor, or dealer, claiming title to or having a right to operate under a lien a motor vehicle that has been subject to a first sale.

(20) "Purchaser" means a person or entity to which a motor vehicle is donated, given, sold, or otherwise transferred.

(21) "Record of title" means an electronic record of motor vehicle ownership in the department's motor vehicle database that is created under Subchapter I.

(22) "Seller" means a person or entity that donates, gives, sells, or otherwise transfers ownership of a motor vehicle.

(23) "Semitrailer" means a vehicle that is designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

(24) "Serial number" means a vehicle identification number that is affixed to a part of a motor vehicle and that is:

(A) the manufacturer's permanent vehicle identification number;

(B) a derivative number of the manufacturer's permanent vehicle identification number;

(C) the motor number; or

(D) the vehicle identification number assigned by the department.

(25) "Steal" has the meaning assigned by Section 31.01, Penal Code.

Under Section 31.01, Penal Code, "steal" means to acquire a service or property by theft.

(26) "Subsequent sale" means:

(A) the bargain, sale, transfer, or delivery of a used motor vehicle, with intent to pass an interest in the vehicle, other than a lien; and

(B) the registration of the vehicle if registration is required under the laws of this state.

(27) "Title" means a certificate or record of title that is issued under Section 501.021.

(28) "Title receipt" means a document issued under Section 501.024.

The term "title receipt" as defined above is the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS).

(29) "Trailer" means a vehicle that:

(A) is designed or used to carry a load wholly on the trailer's own structure; and

(B) is drawn or designed to be drawn by a motor vehicle.

(30) "Travel trailer" means a house trailer-type vehicle or a camper trailer:

(A) that is a recreational vehicle defined under 24 C.F.R. Section 3282.8(g); or

(B) that:

(i) is less than eight feet in width or 40 feet in length, exclusive of any hitch installed on the vehicle;

(ii) is designed primarily for use as temporary living quarters in connection with recreational, camping, travel, or seasonal use;

(iii) is not used as a permanent dwelling; and

(iv) is not a utility trailer, enclosed trailer, or other trailer that does not have human habitation as its primary function.

(31) "Used motor vehicle" means a motor vehicle that has been the subject of a first sale.

(32) "Vehicle identification number" means:

(A) the manufacturer's permanent vehicle identification number affixed by the manufacturer to the motor vehicle that is easily accessible for physical examination and permanently affixed on one or more removable parts of the vehicle; or

(B) a serial number affixed to a part of a motor vehicle that is:

(i) a derivative number of the manufacturer's permanent vehicle identification number;

(ii) the motor number; or

(iii) a vehicle identification number assigned by the department.

4.2 Remarks/Brands

The chart below lists all of the remarks/brands that may be found in the Registration and Title System, TxDMV Core, printed on the title or any combination thereof.

Table 4-1 Remarks/Brands

REMARK	LOCATION	DESCRIPTION
ABANDONED MOTOR VEHICLE	RTS, Core	The vehicle has been deemed “abandoned” in accordance with Chapter 683 of the Transportation Code. This vehicle cannot be transferred or rebuilt and operated on public roads.
ACTUAL MILEAGE	RTS, Core, Title	The mileage indicated on the vehicle’s odometer at the time of title transfer was the actual distance in miles that the vehicle had been driven.
ADDITIONAL LIENS RECORDED	RTS, Core	More than one lien is listed on the motor vehicle record.
APPREHENDED	RTS, Core	The gross weight of the vehicle exceeds the registered weight, and the Motor Carrier was apprehended by law enforcement for the weight violation in the county number listed.
BONDED TITLE	RTS, Core, Title	Title was secured by the posting of a certificate of title surety bond.
BONDED TITLE - SUSPENDED	RTS, Core	The bonded title transaction has been suspended.
BONDED TITLE - AWAITING REMOVAL	RTS, Core	Three-year bond period has ended.
BRAND HOLD DATE MM/DD/YYYY	RTS, Core	This remark appears on a record for which a NMVTIS inquiry has been conducted and a brand error has been identified. This remark can only be removed by the TxDMV.
CCO ISSUED (MM/DD/YYYY)	RTS, Core	A certified copy of the original title was issued on the date specified.
CHILD SUPPORT	RTS, Core	Family Code, Chapter 232, authorizes the DMV to suspend or deny the renewal of motor vehicle registration for non-payment of child support.
CITY SCOFFLAW: (CITY)	RTS, Core	This remark indicates that the vehicle owner has an outstanding fine for a traffic law violation in the named city or municipality.
CMRTR ISSUED: MM/DD/YYYY	RTS, Core	This remark indicates that a Certified Metal Recycler Title Receipt has been issued for this vehicle.
COA ISSUED (MM/DD/YYYY)	RTS, Core	A Certificate of Authority to Demolish a Motor Vehicle has been issued. This vehicle cannot be rebuilt and operated on public roads.
COUNTY SCOFFLAW: (3-DIGIT COUNTY #)	RTS, Core	This remark indicates that the vehicle owner owes the county money for a fine, fee, or tax that is past due.
CREDIT VOUCHER ISSUED	RTS, Core	The vehicle was totally destroyed. A registration fee credit may be applied toward the registration of another vehicle owned by the same person. A registration refund could not be authorized since the vehicle had been operated on a public highway during a portion of the current registration year.
DATE OF ASSIGNMENT	RTS, Core	The date of sale of a motor vehicle as shown on the ownership transfer document.
DIESEL	RTS, Core, Title	The vehicle is diesel-powered.

Table 4-1 Remarks/Brands

REMARK	LOCATION	DESCRIPTION
DOT PROOF REQUIRED	RTS	Indicates that proof of compliance with US Department of Transportation (DOT) safety regulations is required before title can be issued. If this remark is indicated on an RPO record, the vehicle may not be titled in the US and the registration cannot be renewed. (*Same as DOT STANDARDS in Core)*
DOT STANDARDS (y/n)	Core	Indicates that proof of compliance with US Department of Transportation (DOT) safety regulations is required before title can be issued. If this remark is indicated on an RPO record, the vehicle may not be titled in the US and the registration cannot be renewed. (*Same as DOT PROOF REQUIRED in RTS)*
DPS-EMISSIONS PRGM NON-COMPLIANCE *EMISSIONS TEST: (D)*	RTS, Core	Indicates the vehicle did not pass an emissions test as required by an emissions testing county for vehicles 2 through 24 years old and gasoline-powered.
DPS SAFETY SUSPENSION	RTS, Core	The Department of Public Safety has placed a suspension on the motor vehicle registration due to the owner's failure to maintain financial responsibility.
DPS STOLEN VERIFY TCIC BY VIN	Core	DPS has notified VTR that the vehicle has been reported stolen. Check with reporting police agency that placed the remark in the NCIC-TCIC (National Crime Information Center-Texas Crime Information Center) files to see if the vehicle is still stolen or if a recovery notice has been received within the past few days." The placing and removal of stolen remarks in the VTR computer is done weekly by the DPS. *(Same as STOLEN – VERIFY TCIC BY VIN in RTS)*
DUPLICATE NONREPAIRABLE VEHICLE TITLE ISSUED	RTS	The original Nonrepairable Vehicle Title (NVT) was lost, stolen or mutilated and a Duplicate NVT was issued.
DUPLICATE NONREPAIRABLE CERTIFICATE OF TITLE	Core	The original Nonrepairable Certificate of Title (NRCOT) was lost, stolen or mutilated and a Duplicate NRCOT was issued. *Obsolete but still displays on old records*
DUPLICATE NONREPAIRABLE VEHICLE TITLE	Core	The original Nonrepairable Vehicle Title (NVT) was lost, stolen or mutilated and a Duplicate NVT was issued.
DUPLICATE REG - (RECORD # OF #)	Core	The department's records contain two or more records with the same license plate number.
DUPLICATE SALVAGE CERTIFICATE ISSUED	Core	The original Salvage Certificate was lost, stolen or mutilated and a Duplicate Salvage Certificate was issued. *Obsolete but still displays on old records.*
DUPLICATE SALVAGE CERTIFICATE OF TITLE	Core	The original Salvage Certificate of Title (SCOT) was lost, stolen or mutilated and a Duplicate SCOT was issued. *Obsolete but still displays on old records.*
DUPLICATE SALVAGE TITLE ISSUED	Core	The original Salvage Title or Certificate was lost, stolen or mutilated and a Duplicate Salvage Title was issued.
DUPLICATE SALVAGE VEHICLE TITLE ISSUED	RTS	The original Salvage Vehicle Title (SVT), Title or Certificate was lost, stolen or mutilated and a Duplicate SVT was issued.
E-TITLE	RTS, Core	A title record that is held in an electronic status, which includes a title record with an electronic lien. e-Titles support only one lien entry. A paper title is not printed.
E-TITLE PRINT DATE: [MM/DD/YYYY]	RTS, Core	As of February 13, 2012, when an e-lienholder releases an ELT, a paper title is automatically printed and mailed to the owner's address or a third party as specified by the e-lienholder. Upon releasing the ELT, this remark is added.

Table 4-1 Remarks/Brands

REMARK	LOCATION	DESCRIPTION
EVIDENCE SURRENDERED BY OWNER	RTS	The department has received the title or some other valid evidence of ownership on this vehicle from the owner of the vehicle. The title record has been canceled.
EVIDENCE SURR BY SALVAGE YARD: (#, date)	RTS, Core	On (date), salvage yard (#) surrendered the Certificate of Title or other evidence of ownership to the vehicle with a Form VTR-340 or Form VTR-340-M to the department. The title record has been cancelled and marked "JUNKED."
EXEMPT	RTS, Core, Title	Vehicle is owned, or leased by an agency of the State, City, County, school district or Federal Government. The vehicle may display a license plate with the legend "Exempt" along with six or seven numbers.
EXPORT ONLY	RTS, Core	An export-only motor vehicle is a nonrepairable or salvage motor vehicle that is offered for sale in this state to a person who resides in a jurisdiction outside the United States (non-US resident).
FIXED WEIGHT	RTS, Core	A commercial vehicle has been registered for the actual weight of the empty vehicle plus the weight of the permanently mounted machinery or equipment which must cover at least two-thirds (2/3) of the bed.
FLOOD DAMAGED	RTS, Core, Title	The vehicle has been damaged exclusively by flood water to the extent that it meets the definition of a salvage vehicle.
FMCSA RESTRICTED UNIT (PRISM LEVEL CODE)	RTS, Core	Data provided by TxIRP. A carrier account is out of compliance with Performance and Registration Information Systems Management (PRISM). The vehicle belongs to an unfit carrier, and the carrier is considered a risk.
FMCSA RESTRICTED UNIT - UNSAFE	RTS, Core	Data provided by TxIRP. This vehicle has been found unsafe to drive by the Federal Motor Carrier Safety Administration (FMCSA). Repairs or modifications and FMCSA inspection required before it can be operated again.
HEAVY VEHICLE USE TAX VERIFIED	RTS, Core	Indicates that the clerk verified proof of payment of the Federal Heavy Vehicle Use Tax or that the vehicle is exempt from payment.
HOT CK (Title or Regis)	Core	A check in payment of title or registration related fees was not honored by the bank on which it was drawn, and such check was returned to the payee unpaid.
JUNKED on (YYYY/MM/DD)	RTS, Core	The vehicle described on the motor vehicle record is salvage, scrapped, destroyed, or dismantled in such a manner that it loses its character as a motor vehicle. The title or other legal evidence of ownership was surrendered to TxDMV on (date) to advise the vehicle has been junked and the title has been cancelled. *Obsolete, but may still display on old records.*
LEGAL RESTRAINT-CONTACT TxDMV (file #)	RTS, Core	This remark includes a file number used to reference documentation associated with an owner retained vehicle (OR#/ORSAL/ORNR), court restraining order (CR#), or other administrative stops (OP# or DC).
LIEN NOT RELEASED	RTS, Core	The first lien was not released. (Only applies to JUNKED vehicles.)
LIEN2 NOT RELEASED	RTS, Core	The second lien was not released. (Only applies to JUNKED vehicles.)
LIEN3 NOT RELEASED	RTS, Core	The third lien was not released. (Only applies to JUNKED vehicles.)
MAIL RETURNED	RTS, Core	The registration renewal mailed to the vehicle owner or registered owner's original or duplicate title (if issued prior to 9-01-01) was returned by the post office to VTR as being undeliverable. *Obsolete, but may still display on old records*.

Table 4-1 Remarks/Brands

REMARK	LOCATION	DESCRIPTION
MANUFACTURER BUYBACK	RTS, Core, Title	This motor vehicle was returned to the manufacturer because of unresolved warranty defects or a title brand has been carried forward from an out of state title or evidence of ownership (Lemon Law).
MILEAGE EXCEEDS MECHANICAL LIMITS	RTS, Core, Title	The odometer reading has exceeded the mechanical limits of the odometer. For example, if the mechanical limitation of an odometer is a 5-digit reading, it cannot record more than 99,999 miles.
MULTIPLE SURVIVORS	RTS, Core, Title	This remark will accompany the "SURVIVORSHIP" brand. The "MULTIPLE SURVIVORS" brand may appear below the "SURVIVORSHIP RIGHTS" brand when there are more than 2 persons in the agreement.
NMVTIS HOLD MM/DD/YYYY	RTS, Core	This remark appears on a record for which a NMVTIS inquiry has been conducted and an error has been identified. This remark can be removed by processing the transaction through the Correct Title Rejection event in RTS.
NONREPAIRABLE CERTIFICATE OF TITLE ISSUED	RTS, Core	A Nonrepairable Certificate of Title (NRCOT) was issued prior to 9/2003 on the motor vehicle indicating the estimated cost of repair was 95% or more of the vehicle's pre-damaged actual cash value. The vehicle may be rebuilt and operated on public roads. Once rebuilt, new titles are branded "Rebuilt Salvage - Damaged." *Obsolete, but may still display on old title*.
NONREPAIRABLE VEHICLE TITLE ISSUED	RTS, Core	A Nonrepairable Vehicle Title (NVT) was issued on or after 9/2003 on the motor vehicle indicating the only residual value of the vehicle is as a source of parts or scrap metal. The vehicle may not be rebuilt or operated on public roads.
NOT ACTUAL MILEAGE	RTS, Core, Title	The mileage indicated on the vehicle's odometer at the time of title transfer or application filing was not the actual distance in miles that the vehicle has been driven.
NO REGISTRATION – ATV/UTV	RTS, Core	Non street legal mini-bikes including 3 and 4-wheel all-terrain vehicles and recreational off-highway vehicles that are required to be titled, but cannot be registered with or without modifications.
NO REG/TTL GC	RTS, Core	Golf carts cannot be titled or registered; however, they can display a golf cart license plate as set forth by Transportation Code, Section 551.402. They may be operated under restricted circumstances.
ON LOAN TO EXEMPT AGENCY	RTS, Core	The vehicle is not owned by the user, such as a Driver Education vehicle, and is registered by the user with Exempt License Plates but is not required to be titled.
OWNED BY US GOVERNMENT	RTS, Core	The vehicle is leased from the U.S. Government and shall be registered with regular registration, and a RPO receipt shall be issued in the name of the lessee.
OWNER SURRENDERED (xxxxxxx)	Core	The department has received the title or some other valid evidence of ownership (as noted) on this vehicle from the owner of the vehicle. The title record has been canceled.
PAPER TITLE	RTS, Core	A paper title has been issued.
PERMIT REQUIRED TO MOVE (*PARK MODEL TRAILER*)	RTS, Core, Title	The vehicle information selected on the Class/Plate/Sticker screen qualifies this vehicle as a Park Model Trailer that exceeds length and/or width limitations. An oversize and/or overweight permit will be required to move the vehicle on public roads.
PLATE AGE	RTS, Core	Reflects the number of years the license plates have been assigned for display on the vehicle for which the plates were originally issued. This will vary from the word "ANNUAL" to a numeric character.

Table 4-1 Remarks/Brands

REMARK	LOCATION	DESCRIPTION
PLATE REMOVED FROM VEHICLE	Core	When an owner submits a *Texas Motor Vehicle Transfer Notification* (Form VTR-346), online or on paper AND selects that they kept their plates, the phrase PLATE REMOVED FROM VEHICLE is added to the Core remarks along with the VEH TRANSFERRED: YYYY/MM/DD remark.
PLATES SEIZED	RTS, Core	Law enforcement has removed the license plates.
PRIOR CCO ISSUED	RTS, Core	A Certified Copy of An Original Texas Certificate of Title (CCO) was used to file for a corrected title with no change of ownership. This remark will show on the vehicle record but it will not print on the title document.
PRIVATE LAW ENFORCEMENT VEHICLE	RTS, Core	Any vehicle that is owned or leased by a governmental entity, a police department of an educational institution that commissions peace officers, or a peace officer authorized to use a personal vehicle for law enforcement purposes.
REBUILT SALVAGE – DAMAGED	RTS, Core, Title	The title transaction was supported by a Texas Salvage ownership document, or was carried forward from the previous Texas motor vehicle record. If titled prior to 9-1-2003, then SCOT was issued. If titled on or after 9-1-2003, then SVT was issued.
REBUILT SALVAGE – ISSUED BY: (STATE)	RTS, Core, Title	This remark includes the 2-letter abbreviation for the other state or country which issued a salvage certificate/certificate of title and supported the title transaction, or was carried forward from the previous Texas motor vehicle record.
REBUILT SALVAGE - LOSS UNKNOWN	RTS, Core, Title	The title transaction was supported by a Texas Salvage Certificate, or was carried forward from the previous Texas motor vehicle record. Degree of damage is unknown. *Obsolete, but still displays on old records.*
REBUILT SALVAGE- 95% PLUS LOSS	RTS, Core, Title	The title transaction was supported by a Texas Nonrepairable Certificate of Title, or was carried forward from the previous Texas motor vehicle record. *Obsolete, but still displays on old records.*
REBUILT SALVAGE- 75-94% LOSS	RTS	The title transaction was supported by a Texas Salvage Certificate of Title, or was carried forward from the previous Texas motor vehicle record. *Obsolete, but still displays on old records.*
RECONDITIONED	RTS, Core, Title	The vehicle was damaged by collision, fire, hail, or other types of damage (other than by flood) and rendered a total loss by an insurance company. The vehicle was later placed in operable condition, the salvage title was surrendered and application for Texas title was filed. A valid Texas title was issued, and the notation "RECONDITIONED" was reflected on the new title and carried forward on all subsequent Texas titles. *Obsolete but still displays on old records.* (NOTE: This remark was replaced with a "**REBUILT SALVAGE-DAMAGED**" remark for Texas titles issued on and after 8-1-97.)
RECONSTRUCTED	RTS, Core, Title	The vehicle has been converted in such a manner that it no longer resembles the vehicle as originally manufactured.
REFUND PENDING REGIS REFUND REFUND: Y/N	RTS, Core	A refund has been authorized by a Regional Office but has not been claimed by the owner of record. (The vehicle cannot be transferred unless the vehicle is reregistered or the refund is voided.)
REG INSUFFICIENT FUNDS	RTS	A check in payment of registration related fees was not honored by the bank on which it was drawn, and such check was returned to the payee unpaid.
REGISTERED BY	RTS, Core	This remark is used for the name of an individual or business other than the owner, who is registering the vehicle.
REGISTRATION INVALID	RTS, Core	The registration is not valid. Example – After a refund is processed or a Salvage Vehicle Title is issued, the registration is invalid.

Table 4-1 Remarks/Brands

REMARK	LOCATION	DESCRIPTION
REGISTRATION PURPOSES ONLY	RTS, Core	Texas issued registration only. The negotiable title for the vehicle was issued by another state, and remains the negotiable evidence of ownership.
REPLICA	RTS, Core, Title	An established make of a previous year model vehicle has been assembled as a new vehicle or built by a motor vehicle manufacturer.
RIGHTS OF SURVIVORSHIP	Title	A survivorship agreement signed by two or more eligible persons indicating that the vehicle is held jointly was filed with the title transaction. As of April 2012, this was renamed "SURVIVORSHIP RIGHTS", however existing records may still display this remark. (Same as SUVIVORSHIP RIGHTS).
SALVAGE CERTIFICATE ISSUED	RTS, Core	Indicates that a salvage certificate was issued on the motor vehicle. Discontinued remark 9-1-03. *Obsolete but still displays on old records.*
SALVAGE CERTIFICATE OF TITLE ISSUED	RTS, Core	Indicates that a Salvage Certificate of Title (SCOT) was issued on the motor vehicle because the estimated cost of repair was 75% or more of the vehicle's pre-damaged actual cash value. *Obsolete but still displays on old records,* (Became SALVAGE VEHICLE TITLE ISSUED).
SALVAGE VEHICLE TITLE ISSUED	RTS, Core	Indicates that a Salvage Vehicle Title (SVT) was issued on the motor vehicle because the estimated cost of repair was greater than the vehicle's pre-damaged actual cash value. Implemented 9-1-03.
SALVAGED ON YYYY/MM/DD and SALVAGE YARD #####	RTS, Core	When a licensed salvage dealer surrenders a title to the department the vehicle record will show these two remarks.
SCHEDULED FOR DELETION	RTS, Core	Upon request from a county tax assessor-collector's office, a record may be deleted by VTR prior to issuance if record was incorrectly accessed or a customer does not return to the county tax assessor-collector to correct a rejected transaction.
SOLID TIRES	RTS, Core	The vehicle is equipped with solid rubber tires.
SPECIAL EXAMINATION REQUIRED	RTS, Core	Transactions marked for special handling that a county tax assessor-collector's office considers "questionable" and are requesting headquarters to re-examine.
STICKER SEIZED	RTS, Core	The county tax assessor-collector's office was notified by law enforcement that the registration sticker has been seized.
STOLEN – VERIFY TCIC BY VIN	RTS	DPS has notified VTR that the vehicle has been reported stolen. Check with reporting police agency that placed the remark in the NCIC-TCIC (National Crime Information Center-Texas Crime Information Center) files to see if the vehicle is still stolen or if a recovery notice has been received within the past few days. The placing and removal of stolen remarks in the VTR computer is done weekly by the Texas Department of Public Safety.
SURVIVORSHIP RIGHTS	RTS, Core, Title	A survivorship agreement signed by two or more eligible persons indicating that the vehicle is held jointly was filed with the title transaction. (Same as above). (SAME AS RIGHTS OF SURVIVORSHIP). However this brand may be accompanied by up to two printed names (of the persons) or the "MULTIPLE SURVIVORS" brand if more than two persons are involved.
TCEQ-EMISSION PRGM NON-COMPLIANCE *EMISSIONS TEST: (T)*	RTS, Core	The vehicle was a) detected as a potential gross polluter while being operated in a county in which emission testing is required, and has not passed an emissions test; or b) qualified as part of a low-income accelerated vehicle retirement program (LIRAP), and its required parts must be destroyed or removed in accordance with state and federal regulations.

Table 4-1 Remarks/Brands

REMARK	LOCATION	DESCRIPTION
TITLE APPLICATION AWAITING RELEASE	RTS, Core	This remark indicates that a Texas titled vehicle has been transferred and an application for a new title by the new owner has been received by VTR. A new title is in the process of being issued.
TITLE HELD AWAITING DPS OK	RTS, Core	A title transaction is awaiting confirmation from the Department of Public Safety that the vehicle is not a stolen vehicle.
TITLE REJECTED	RTS, Core	The title transaction has been rejected and returned to the county tax assessor-collector's office that originally processed the transaction for correction.
TITLE REVOKED	RTS, Core	The title document number shown on the motor vehicle record has been revoked as a result of fraudulent evidence, false information, a stolen or converted vehicle, failure to provide proper evidence of ownership and documentation, revoked ownership and documentation, or revoked registration.
TITLE SUPERSEDED	RTS, Core	A title transaction is in process on this motor vehicle record. The superseded record is no longer valid. A new transaction (record) has taken the place of the previous record.
TITLE SURRENDERED TO: (2-letter STATE ABBREVIATION) ON (MM/DD/YYYY)	RTS, Core	A Texas-titled vehicle has been taken to another state, and its owner applied for a title in the new state. The new state returned the Texas title to the department with a "surrendered" notice. Date on remark is date VTR received the notice.
TITLE WAITING TO PRINT	RTS	A title transaction is in process.
TITLE WAITING TO PRINT (REPRINT)	RTS	A title transaction is in process.
TOLL SCOFFLAW: (TOLL ROAD AUTHORITY)	RTS, Core	This remark indicates that the vehicle owner has an outstanding toll road violation from the named toll road authority.
VEHICLE CRUSHED MM/DD/YYYY	RTS, Core	Indicates that a metal recycler has reported this vehicle as destroyed (crushed).
VEHICLE TRANSFERRED: (MM/DD/YYYY)	RTS, Core	The recorded owner notified TxDMV that on a specific date they sold, donated or traded their vehicle.
VERIFY INSPECTION	RTS, Core	This remark is placed on the vehicle record when "OUT ST" is selected by an individual self-certifying the vehicle is out of state and unable to return for an inspection or selected by the county tax assessor-collector's office when an applicant completes a *Vehicle Identification Number Certification* (Form VTR-270). The remark is for law enforcement purposes only and counties are not required to take any action as a result of this remark.
VIN CERTIFICATION WAIVED	RTS, Core, Title	The remark is applied when a *Vehicle Identification Number Certification* (Form VTR-270) is used to verify the vehicle identification number (VIN). Remark is used to advise the county tax assessor-collectors' offices to require a new title application with an acceptable form of VIN verification if the vehicle subject to a Texas vehicle safety inspection and located in Texas.
VIN IN ERROR	RTS, Core	The vehicle identification number (VIN) is in error or the year model is 1980 or older and the VIN is not a 17-digit VIN.

Chapter 5

CERTIFICATE OF TITLE REQUIREMENTS

This chapter contains the following sections:

- ***5.1*** Applicability
- ***5.2*** History
- ***5.3*** Certificate of Title
- ***5.4*** Motor Vehicle Title Required
- ***5.5*** Trailers and Semitrailers
- ***5.6*** Farm Trailers and Farm Semitrailers
- ***5.7*** Issuance of Title to Government Agency
- ***5.8*** Federal Government Vehicles
- ***5.9*** Office of Foreign Missions
- ***5.10*** Alias Certificate of Title
- ***5.11*** Sale or Offer without Title Receipt or Title

5.1 Applicability

Transportation Code Section 501.004

(a) Except as provided by this section, this chapter applies to all motor vehicles, including a motor vehicle owned by the state or a political subdivision of the state.

(b) This chapter does not apply to:

(1) a trailer or semitrailer used only for the transportation of farm products if the products are not transported for hire;

(2) the filing or recording of a lien that is created only on an automobile accessory, including a tire, radio, or heater;

(3) a motor vehicle while it is owned or operated by the United States; or

(4) a new motor vehicle on loan to a political subdivision of the state for use only in a driver education course conducted by an entity exempt from licensure under Section 1001.002, Education Code.

5.2 History

Refer to Transportation Code Section 501.002 (14) for Motor Vehicle Definition.

History

The Certificate of Title Act required motor vehicles to be titled starting October 1, 1939; however, owners were given until January 1, 1942, to title any motor vehicle purchased after January 1, 1936. Under the requirements of this Act, a county tax assessor-collector's office could not register or re-register a motor vehicle until the vehicle was titled in the owner's name.

New vehicles purchased prior to January 1, 1936, could be registered by presenting a previous year's registration receipt showing "exempt" in the title number space. If an owner sells one of these untitled motor vehicles, the owner must title in their name prior to reselling. An owner of a motor vehicle that is registered at the time of title application is required to provide valid proof of financial responsibility.

Prior to May 3, 1947, "exempt" motor vehicles owned by the State of Texas or a subdivision were registered yearly. However, such vehicles were not required to be titled. House Bill 273, 50th Legislature, which became effective May 3, 1947, provided that motor vehicles owned or acquired after that date by the State of Texas or any of its subdivisions - county, city, school district, state supported institutions, or any other governmental agency created under Article 16, Section 59, of the Constitution of Texas – must be titled. House Bill 273 also stipulated that all provisions of the Certificate of Title Act apply to such vehicles except that they are "exempt" from all fees levied by the State of Texas.

Effective Dates:

- Motor Vehicles - October 1, 1939
- Trailers and Semitrailers - August 11, 1959
- Camper Trailers - September 1, 1967
- Off-Highway Motorcycles - September 1, 1975
- Mopeds - September 1, 1983
- ATVs - September 1, 1985
- Recreational Off-Highway Vehicles - September 1, 2009

Re-Registration

When a certificate of title and license receipt is presented as evidence for re-registration, the county tax assessor-collector's office should check the back of the title for any indication of a possible transfer of ownership.

- If the assignment of title has been completed showing transfer of ownership to a new owner, an application for Texas title in the new owner's name must be filed before the vehicle can be registered.
- If an assignment of title shows a signature of the seller and the assignment has not been completed showing the name and address of a purchaser, the county tax assessor-collector's office should request identification from the applicant to determine that he or she is the same person whose name appears on the face of the title. If it is not the same person, counties should not issue registration until the assignment is completed and the new owner has filed an application for transfer of title.

5.3 Certificate of Title

Transportation Code Section 501.021

(a) A motor vehicle title issued by the department must include:

(1) the legal name and address of each purchaser and seller at the first sale or a subsequent sale;

(2) the make of the motor vehicle;

(3) the body type of the vehicle;

(4) the manufacturer's permanent vehicle identification number of the vehicle or the vehicle's motor number if the vehicle was manufactured before the date that stamping a permanent identification number on a motor vehicle was universally adopted;

(5) the serial number for the vehicle;

(6) the name and address of each lienholder and the date of each lien on the vehicle, listed in the chronological order in which the lien was recorded;

(7) a statement indicating rights of survivorship under Section 501.031;

(8) if the vehicle has an odometer, the odometer reading at the time of application for the title; and

(9) any other information required by the department.

(b) A printed certificate of title must bear the following statement on its face:

"UNLESS OTHERWISE AUTHORIZED BY LAW, IT IS A VIOLATION OF STATE LAW TO SIGN THE NAME OF ANOTHER PERSON ON A CERTIFICATE OF TITLE OR OTHERWISE GIVE FALSE INFORMATION ON A CERTIFICATE OF TITLE."

(c) A title for a motor vehicle that has been the subject of an ordered repurchase or replacement under Chapter 2301, Occupations Code, must contain on its face a notice sufficient to inform a purchaser that the motor vehicle has been the subject of an ordered repurchase or replacement.

5.4 Motor Vehicle Title Required

Transportation Code Section 501.022

(a) The owner of a motor vehicle registered in this state:

(1) except as provided by Section 501.029, shall apply for title to the vehicle; and

(2) may not operate or permit the operation of the vehicle on a public highway until the owner:

(A) applies for title and registration for the vehicle; or

(B) obtains a receipt evidencing title for registration purposes only under Section 501.029.

(b) A person may not operate a motor vehicle registered in this state on a public highway if the person knows or has reason to believe that the owner has not applied for a title for the vehicle.

(c) The owner of a motor vehicle that is required to be titled and registered in this state must obtain a title to the vehicle before selling or disposing of the vehicle.

(d) Subsection (c) does not apply to a motor vehicle operated on a public highway in this state with a metal dealer's license plate or a dealer's or buyer's temporary cardboard tag attached to the vehicle as provided by Chapter 503.

A vehicle title is an ownership document that should be kept in a safe place and not in the automobile (such as the glove compartment). The owner of a vehicle may use a registration receipt issued under Transportation Code, Chapter 502 as proof of registration (initial or renewal) or the title application receipt as evidence of title. However, the receipt issued at the time of application for Registration Purposes Only may be used only as proof of registration. (For further information regarding Registration Purposes Only, refer to Chapter 6, "Application and Issuance of Motor Vehicle Title").

A registration receipt may not be used to transfer any interest or ownership in a motor vehicle or to establish a lien.

Retail Purchasers

The first retail purchaser must secure title in their name before transferring ownership of a motor vehicle to a subsequent purchaser.

Non Titled Vehicles

The term "motor vehicle" does not apply to implements of husbandry, construction machinery, mobile cranes, water well drilling units, oil well servicing units, mini trucks, or golf carts, and therefore, these units cannot be titled.

Farm Tractors

Farm tractors owned by exempt agencies and farm tractors used as road tractors to mow the right-of-way or used-for-hire to move commodities over the highway are required to be registered and titled.

Distinguishing Plates

The $5.00 distinguishing license plate is issued in lieu of regular registration. Below are listed the vehicles eligible for the distinguishing plate, and such vehicles cannot be titled under this Act. (Refer to the `TxDMV Motor Vehicle Registration Manual`.)

Machinery Plates

Machinery Plates are issued to:

- Construction machinery (unconventional vehicles)
- Water well drilling units

Permit Plates

VTR issues permit plates to oversize/overweight commercial mobile cranes or vehicles used solely for servicing, cleaning out, and/or drilling of oil wells.

5.5 Trailers and Semitrailers

Trailers and semitrailers having a gross weight (loaded) in excess of 4,000 pounds (Texas licensed dealers excepted) must be titled. When a trailer or semitrailer is required to be registered but not titled, the owner should retain the evidence of ownership after showing it to the county tax assessor-collector's office.

Evidence of ownership required

Refer to Chapter 14, Section 14.4 Trailer/Semitrailer.

Out of State

For trailers and semitrailers last registered or titled out of state, refer to Chapter 18, "Out of State Requirements".

Details and Clarifications

Some details of clarification regarding trailers and semitrailers are:

- Jeep axles and converter axles are axle assemblies that are used in conjunction with truck tractor and semitrailer combinations for the purpose of increasing the overall carrying capacity of the combination. These axle assemblies are not titled. (Refer to the `TxDMV Motor Vehicle Registration Manual`.)
- House moving dollies are registered with "token trailer" plates and titled as semitrailers; however, only one dolly in a combination is required to be registered and titled.
- "Twin Twenties" are two separate semitrailers which, at times, may be buckled together to form one semitrailer. Owners must register and title each unit separately.
- "Double Bottom" is a term applied to a combination of two trailers (one semitrailer and one full trailer) pulled by one power unit. The rear most trailer is usually a semitrailer that has been converted to a full trailer by means of a "Trailer Axle Converter." Owners must register and title each of the trailers. (Refer to the `TxDMV Motor Vehicle Registration Manual`).

5.6 Farm Trailers and Farm Semitrailers

Farm trailers and farm semitrailers are considered trailers or semitrailers:

- Designed and used primarily as a farm vehicle
- With a gross weight of 34,000 pounds or less.

Farm trailers and farm semitrailers are exempt from the Certificate of Title Act. Regardless of the evidence of ownership presented, the owner should retain that evidence.

Title Requirements

Refer to Chapter 14, Section 14.6 Farm Trailer/Farm Semitrailer for detailed Farm Trailer and Farm Semitrailer information.

5.7 Issuance of Title to Government Agency

Transportation Code Section 501.034

The department may issue a title to a government agency if a vehicle or part of a vehicle is:

> *(1) forfeited to the government agency;*
>
> *(2) delivered by court order under the Code of Criminal Procedure to a government agency for official purposes; or*
>
> *(3) sold as abandoned or unclaimed property under the Code of Criminal Procedure.*

For further information, refer to Chapter 16, "Operation of Law".

State Government Vehicles

Motor vehicles owned or acquired by the State of Texas or any of its subdivisions - county, city, school district, state supported institutions, or any other governmental agency are required to be titled. All provisions of the Certificate of Title Act apply except these vehicles are "exempt" from all fees levied by the State of Texas.

Exempt license plates are issued to vehicles owned and operated by the State of Texas or any of its subdivisions, school districts, counties, or cities.

Counties should not collect title fees for liens recorded on vehicles owned by exempt agencies. Instances when the title fee is collected are below.

Note: Exempt license plates are discussed in detail in the TxDMV Motor Vehicle Registration Manual.

Trailers

House trailers, trailers, and semitrailers owned by an agency of the State of Texas are covered by the registration and title laws.

Dealer Owned School District Vehicles

A dealer owned vehicle loaned to a school district may be registered with exempt plates. Applicants must submit the *Affidavit and Application for Exempt License Plates* (Form VTR-62-A) and the *Exempt Vehicle Affidavit - Driver Education* (Form VTR-62-E). A new motor vehicle on loan to a school district for use in a driver education course approved by the Texas Department of Licensing and Regulation is exempt from the title requirement. If the school uses the vehicle for purposes other than driver education, they must describe on *Exempt Vehicle Affidavit - Driver Education* (Form VTR-62-E) the intended use of the vehicle, such as "for use in FFA program," etc., and an application for Texas title is required in the name of the dealer with the title fee paid in full.

Leased Vehicles

Exempt agencies operating leased vehicles must submit the *Leased Vehicle Affidavit* (Form VTR-62-L) with *Application for Standard Exempt License Plates* (Form VTR-62-A) and application for Texas title. The application for Texas title must be in the name of the lessor and counties must collect a title fee. The *Application for Standard Exempt License Plates* (Form VTR-62-A) must show the names of both the lessee and the lessor.

Unconventional Machinery

Unconventional machinery type vehicles owned by exempt agencies are issued exempt license plates, but a certificate of title is not required. An exception is a farm type (pneumatic tired) tractor with or without machinery attached. The owner must title this type of tractor before receiving exempt license plates.

Fire Fighting Vehicles

Privately owned fire fighting vehicles and vehicles owned by volunteer fire departments may qualify for Exempt license plates. Application for the plates is made on *Application for Exempt Registration of a Fire Fighting Vehicle* (Form VTR-62-F). Privately owned vehicles must be designed and used exclusively for fire fighting in order to qualify for exempt plates. Vehicles owned by volunteer fire departments do not have to be designed for fire fighting but must operate exclusively to conduct the business of the volunteer fire department in order to qualify for exempt plates.

To secure exempt license plates, applicants must file an application for Texas title together with proper evidence of ownership and the *Application for Exempt Registration of a Fire Fighting Vehicle* (Form VTR-62-F) with the county tax assessor-collector's office. These vehicles are exempt from registration fees, but are not exempt from payment of the title fee.

Note: Operators of a fire-fighting vehicle owned and operated by a subdivision of the State of Texas should submit *Application for Standard Exempt License Plates* (Form VTR-62-A) rather than *Application for Exempt Registration of a Fire Fighting Vehicle* (Form VTR-62-F) and are exempt from the title fee.

Civil Air Patrol

The Civil Air Patrol, Texas Wing, qualifies for exempt license plates on vehicles owned by them provided the vehicles are operated exclusively as emergency services vehicles by members of that organization. Application is made on the *Application for Armed Forces, Coast Guard Auxiliary, or Texas Wing Civil Air Patrol License Plates* (Form VTR-227). An application for Texas title is required if a record of Texas title cannot be established in the name of the applicant. These vehicles are exempt from registration fees, but they are not exempt from payment of the title fee.

Volunteer Ambulance

Nonprofit, volunteer ambulance companies qualify for Exempt license plates on vehicles operated exclusively as ambulances. The companies should make application on *Application for Exempt Registration of an Emergency Medical Services Vehicle* (Form VTR-62-EMS)accompanied by a copy of the vehicle registration certificate issued by the Department of Health qualifying the vehicle as an emergency medical services vehicle. These vehicles may be owned by a city or county and operated by the ambulance company. Counties should require an application for Texas title if a record of Texas title does not exist in the name of the applicant or in the name of the city, county, etc. that actually owns the vehicle. A nonprofit, volunteer ambulance company is exempt from registration fees but is not exempt from payment of the title fee.

Texas Facilities Commission

The Texas Facilities Commission, an exempt agency, may assign a manufacturer's certificate to another agency of the State of Texas. This Commission is the central purchasing agency for the State of Texas and is the only state agency authorized to make assignments on Manufacturer's Certificate of Origin (MCO).

5.8 Federal Government Vehicles

A Texas Certificate of Title is not issued for vehicles owned by the federal government.

The State of Texas does not title motor vehicles owned by the United States Government. The federal government desires that the *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97)(refer to Chapter 10, "Evidence of Ownership") serve as the only legal evidence of ownership to any motor vehicle owned by the federal government.

U. S. Government provides license plates and identifying numbers on these vehicles instead of Texas registration. However, if a federal government agency desires Texas Exempt license plates, they may make application on an *Affidavit and Application for Exempt License Plates* (Form VTR-62-A).

Vehicles Leased from the Government

In the event a person, firm, or corporation leases a motor vehicle from the United States Government, the vehicle must be registered and fees collected. Furthermore, receipt for Registration Purposes Only must be secured in the name of the lessee. The operator must submit the following to a county tax assessor-collector's office:

- *Application for Texas Title and/or Registration* (Form 130-U) with the "Registration Purposes Only" box selected;
- $28/$33 Title Application Fee; and
- A document describing the leased vehicle and establishing government ownership of the vehicle.

Local Government Vehicles

If an application for Texas title shows a local government as the owner (for example, "City of Dallas Housing Authority"), an official of that agency should attach a statement stating that the vehicle is not owned by the federal government. If it is owned by the federal government, counties may not issue Texas title to the vehicle.

Private Mail Carriers

Privately owned motor vehicles used to transport the United States mail are not eligible for "Exempt" license plates and must be titled.

5.9 Office of Foreign Missions

The U. S. Department of State, Office of Foreign Missions, issues "Diplomat" license plates and title documents for vehicles owned by foreign diplomats and consular officers who are located in the United States as official representatives of foreign countries. Any lien recorded on the title must be properly released. Customs documentation and a Vehicle Inspection Report are not required to support this type of transfer. The Office of Foreign Missions also issues a "Certificate of Authority to Export a Vehicle." Operators may not use this document to sell or to register and title a vehicle.

5.10 Alias Certificate of Title

Transportation Code Section 501.006

On receipt of a verified request approved by the executive administrator of a law enforcement agency, the department may issue a title in the form requested by the executive administrator for a vehicle in an alias for the law enforcement agency's use in a covert criminal investigation.

5.11 Sale or Offer without Title Receipt or Title

Transportation Code Section 501.152

(a) Except as provided by this section, a person commits an offense if the person:

(1) sells, offers to sell, or offers as security for an obligation a motor vehicle registered in this state; and

(2) does not possess the title receipt or title for the vehicle.

(b) It is not a violation of this section for the beneficial owner of a vehicle to sell or offer to sell a vehicle without having possession of the title to the vehicle if the sole reason he or she does not have possession of the title is that the title is in the possession of a lienholder who has not complied with the terms of Section 501.115(a).

No person in this state may offer for sale any motor vehicle registered out of state without having in his or her possession a title (or registration receipt if the motor vehicle is from a non title state).

Chapter 6

APPLICATION AND ISSUANCE OF MOTOR VEHICLE TITLE

This chapter contains the following sections:

- ***6.1*** Application for Texas Title and/or Registration (Form 130-U)
- ***6.2*** Place of Application
- ***6.3*** Personal Identification Information for Obtaining Title
- ***6.4*** Title Only
- ***6.5*** Registration Purposes Only (RPO)
- ***6.6*** Issuance of Title
- ***6.7*** Title Receipt
- ***6.8*** Duplicate Title Receipt
- ***6.9*** Alteration of Certificate or Receipt
- ***6.10*** Stop Title Requests
- ***6.11*** Revocation Affidavits - First Sale Title Application
- ***6.12*** Corrected Title
- ***6.13*** Undeliverable/Returned Titles
- ***6.14*** Electronic Titling System

6.1 *Application for Texas Title and/or Registration* (Form 130-U)

Note: The use of white-out or liquid paper is not acceptable on any documents. Corrections should be made with a single strike-through, the correction made, and initialed by the applicant.

Transportation Code Section 501.023

(a) The owner of a motor vehicle must present identification and apply for a title as prescribed by the department, unless otherwise exempted by law. To obtain a title, the owner must apply:

(1) to the county assessor-collector in the county in which:

(A) the owner is domiciled; or

(B) the motor vehicle is purchased or encumbered;

(2) if the county in which the owner resides has been declared by the governor as a disaster area, to the county assessor-collector in one of the closest unaffected counties to a county that asks for assistance and:

(A) continues to be declared by the governor as a disaster area because the county has been rendered inoperable by the disaster; and

(B) is inoperable for a protracted period of time; or

(3) if the county assessor-collector's office of the county in which the owner resides is closed for a protracted period of time as defined by the department, to the county assessor-collector of a county that borders the county in which the owner resides who agrees to accept the application.

(b) The assessor-collector shall send the application to the department or enter it into the department's titling system within 72 hours after receipt of the application.

(c) The owner or a lessee of a commercial motor vehicle operating under the International Registration Plan or other agreement described by Section 502.091 that is applying for a title for purposes of registration only may apply directly to the department. Notwithstanding Section 501.138(a), an applicant for registration under this subsection shall pay the fee imposed by that section. The fee shall be distributed to the appropriate county assessor-collector in the manner provided by Section 501.138.

(d) An application filed by the owner or lessee of a foreign commercial motor vehicle, as defined by Section 648.001, must be accompanied by a copy of the applicable federal declaration form required by the Federal Motor Carrier Safety Administration or its successor in connection with the importation of a motor vehicle or motor vehicle equipment subject to the federal motor vehicle safety, bumper, and theft prevention standards.

(e) Applications submitted to the department electronically must request the purchaser's choice of county as stated in Subsection (a) as the recipient of all taxes, fees, and other revenue collected as a result of the transaction.

Applicants must apply for title using the *Application for Texas Title and/or Registration* (Form 130-U).

The *Application for Texas Title and/or Registration* (Form 130-U) is a universal type application for Texas title, which accommodates any type of title transaction regardless of the class of vehicle involved and regardless of whether the transaction covers a transfer of ownership or the correction of an error or both.

When correcting an error in the description of vehicle on an existing Texas title, it is important to mark the "Vehicle Description" on the *Application for Texas Title and/or Registration* (Form 130-U) and record the correct description in Boxes 1 through 12 as applicable. Otherwise, the same make, year model, body style, and VIN as recorded in the existing title record is automatically carried forward to the new title. In addition to serving as an application for Texas title, the *Application for Texas Title and/or Registration* (Form 130-U) also contains a joint affidavit from the seller and purchaser regarding the taxable value of the vehicle, which eliminates the necessity for a separate sales tax affidavit to accompany the title transaction.

When an owner files an application for Texas title with the county tax assessor-collector's office, the application information is used to prepare the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS). This information is used to create or update the motor vehicle record and to print the certificate of title.

Required Information

Applicants must type or print the following required information in blue or black ink. Purchaser's signature must be original; however, the seller's signature does not have to be original (photocopy of seller's signature is acceptable).

Make of Vehicle

The "make" of vehicle as designated by the manufacturer and shown on the surrendered evidence must appear on the *Application for Texas Title and/or Registration* (Form 130-U).

Note: An exception is evidence of ownership from Mexico (MCO or registration [Tarjeta de Circulacion]) that indicates General Motors (GM) as the make, rather than the established GM car line (Buick, Cadillac, Chevrolet, GMC, Oldsmobile, or Pontiac). In this situation, applicants must correct the "make" to indicate the correct GM make/car line as shown on the Vehicle Identification Certificate.

Vehicle Identification Number

The Vehicle Identification Number (VIN) must appear clearly and in its entirety within its proper space. Strikeovers or erasures, which leave a doubt as to the legibility and correctness of the number are not acceptable. Refer to Chapter 13, "Vehicle Identification Numbers" for a complete discussion of vehicle identification numbers.

Note: Fleet owners may, if they so desire, have equipment numbers of newly acquired vehicles recorded on their title. To do so, customers should show the appropriate numbers in parentheses immediately following the name of owner in the space provided for the name of owner on the *Application for Texas Title and/or Registration* (Form 130-U).

Current Texas License Plate Number and Month and Year of Expiration

The current Texas license plate number (if any) must appear on the *Application for Texas Title and/or Registration* (Form 130-U) if the vehicle is required to be registered.

- On applications for corrected title (no transfer of ownership), the previous year's license number must appear even if the vehicle is not currently registered. Current registration is not required because the application is correcting the Texas Title that recorded current registration at the initial issuance of title.
- "Not Reg" should appear in the space for Texas License Plate Number for vehicles not eligible for or not issued registration.

Year Model

The year model of the vehicle on the *Application for Texas Title and/or Registration* (Form 130-U) must agree with the year model as shown on the surrendered ownership evidence (unless a correction is being made). If an application is supported by out of state documents that show "year made" instead of "year model," the year model shown may vary one year from "year made" in order to show the correct year model.

Note: Counties should determine the year model from the vehicle identification number.

Body Style

The *Standard Abbreviations for Vehicle Makes and Body Styles* (Form VTR-249) provides a list of acceptable body styles.

Passenger Vehicles

The body style must describe the vehicle and should not be in conflict with the evidence surrendered in support of the application for Texas title.

Commercial Vehicles

A body style that correctly describes the type of commercial vehicle being registered is acceptable. For example, stake, flat, van, dump, panel, etc.

House Trailers

The body style for "House Trailers" or "Travel Trailers" should appear as "Camper Trailer (CT)."

Motorcycles and Mopeds

The body style should appear as motorcycle or moped. A motorbike should appear as a motorcycle or moped, if applicable (for example, MC-Motorcycle) .

Trailers and Semitrailers

The body style should appear as trailer or semitrailer, and the type of bed must be included. (Example: UT – utility trailer)

Gross Vehicle Weight

The gross vehicle weight on the *Application for Texas Title and/or Registration* (Form 130-U) must match the surrendered ownership evidence (unless a correction is being made). If the gross vehicle weight is not recorded on the surrendered ownership evidence, it must be established (refer to Chapter 10, Section Gross Vehicle Weight Rating (GVWR)).

The gross vehicle weight recorded on the *Application for Texas Title and/or Registration* (Form 130-U) cannot be different from the surrendered evidence.

See Chapter 10, Gross Vehicle Weight Rating (GVWR).

Weight

Passenger Vehicles

The correct weight must appear on the *Application for Texas Title and/or Registration* (Form 130-U). If applicable, the weight can be determined by rounding off the shipping weight to the next highest hundred pounds, plus one hundred (100) pounds.

Many states use other methods for determining the license fees for passenger vehicles; therefore, counties should exercise caution when using the weight shown on any out of state title or registration receipt to establish the correct Texas registration weight.

Commercial Vehicles

Applicants should show the actual empty weight of the commercial vehicle rounded up to the next one hundred (100) pounds. The shipping weight of a commercial vehicle is seldom the actual weight of the same vehicle at the time of registration because a body, bed, or other additions of equipment are often made after the commercial vehicle leaves the manufacturer.

Applicants should obtain a weight certificate on new and out of state vehicles, if applicable, as explained in Chapter 10, “Evidence of Ownership”.

House (Travel) Trailers

Applicants must enter the empty weight and carrying capacity that reflects the correct actual gross weight of a house trailer. This weight is used to determine the registration fees for house trailers. Refer to Chapter 10, “Evidence of Ownership” for more information.

Motorcycles, Mopeds, and Three Wheeled Vehicles

Weight is not required for these types of vehicles.

Trailers and Semitrailers

Applicants must show the empty weight for trailers and semitrailers. Refer to Chapter 14, Section 14.4 Trailer/Semitrailer for more information.

Odometer Reading

The odometer reading that appears on the *Application for Texas Title and/or Registration* (Form 130-U) must be the same as the odometer disclosure statement completed by the transferor and transferee on the ownership evidence (refer to Chapter 15, “Odometers” for more information).

Previous Owner

The previous owner is defined as the person, firm, or dealer from whom a vehicle was acquired. Applicants must show:

- the previous owner's name and address (city and state only).
- the word “Unknown” if the previous owner is unknown.
- the word “Unknown” if the previous owner’s city is unknown
- “TX” for the state if the state is unknown, else use as indicated on supporting documents.
- either the former name of the owner or the name of the previous owner as shown on the title if their name has changed due to marriage or by other process of law. Refer to Chapter 16, “Operation of Law” for information on transfers.
- the manufacturer's name as the previous owner if a dealer holding a manufacturer's certificate desires title in the dealership's name.
- the word “NONE” for previous owner if the manufacturer desires title in the manufacturer’s name.

Legal Name of Owner

Effective September 1, 2013, the applicant's legal name must be used. The legal name is the name exactly as it appears on the required photo identification. If the applicant disputes the name on their identification or wants his or her name changed for any reason, they must have the identification corrected first.

A divorce decree, marriage license or adoption decree is not acceptable proof of a name and is not considered a government issued photo identification. These documents "allow" a person to change a name but they do not require an individual to change their name, therefore, the name may never be changed. An applicant would have to change the name on their identification first in order to have a name change reflected on their Title or RPO.

Note: Regardless of the circumstances, the legal name as required is ALWAYS the name as it appears on the applicant's photo identification.

When processing a Registration Purposes Only, the legal name as it appears on the identification must be used, regardless of how it appears on the ownership document being presented.

Signatures

Refer to Chapter 11, "Signature - Authority to Sign" for information on signatures and signature authority. More specifically to Chapter 11, Section 11.1 Names.

The seller's signature may be photocopied, scanned, faxed, or otherwise electronically reproduced on the *Application for Texas Title and/or Registration* (Form 130-U) but must remain legible. The buyer's signature must ALWAYS be original.

The owner's legal name and signature, as shown on the face of the application, should agree with each other (but do not have to match exactly) and with the purchaser's name on the supporting evidence.

Same Name for Owner and Lienholder

An application for Texas title is not acceptable if the name of the owner and lienholder is the same.

Stamps

"Name and Address Stamps" that fit into the correct spaces allotted for this information on the *Application for Texas Title and/or Registration* (Form 130-U) are acceptable. However, stamps that overlap or are shown out of the allocated space are not acceptable.

Electronic, digital, or signature stamps are not acceptable.

Lessee and Lessor

A leased vehicle should always be titled in the name of the lessor (person or firm who actually owns the vehicle).

The name and address of the lessor (person or company from whom the vehicle is leased) must appear on the *Application for Texas Title and/or Registration* (Form 130-U) in Box 16 (Applicant Name) and Box 18 (Applicant Mailing Address). This enables the lessor to receive the Texas title. The lessor's name must be followed by "(LESSOR)."

The name and address of the lessee (person or company to whom the vehicle is leased) should appear on the *Application for Texas Title and/or Registration* (Form 130-U) in Box 23 (Renewal Recipient Name) and Box 24 (Renewal Notice Mailing Address). This enables the lessee to receive the registration renewal notices.

Applications should be completed as in the following example:

16. Applicant First Name (or Entity Name) Lease-A-Car (Lessor)	Middle Name	Last Name		Suffix (if any)
17. Additional Applicant First Name (if applicable)	Middle Name	Last Name		Suffix (if any)
18. Applicant Mailing Address 14800 Central Street, Houston, Texas 77060	City	State	Zip	19. Owner County of Residence Harris
20. Previous Owner Name (or Entity Name) Joe's Dealership, Houston, Texas	City	State	21. Dealer GDN (if applicable) P123456	22. Unit No. (if applicable)
23. Renewal Recipient First Name (or Entity Name) (if different) Ima Good Sample	Middle Name	Last Name		Suffix (if any)
24. Renewal Notice Mailing Address (if different) 123 Long Road, Houston, Texas 77055	City	State		Zip

Address of Owner

The address of owner/title recipient should always be the residential street address. However, if a residential mail delivery is not available, a P.O. Box number is acceptable. If a “P. O. Box” address is used in Box 18 and/or 23 of the *Application for Texas Title and/or Registration* (Form 130-U) a physical, residential street address must be shown in Box 28 (Vehicle Location Address). See Address Confidentiality Program for exceptions. Counties should show the “P.O. Box” address in the “Owner Address” or “Renewal Notice Address” fields (as applicable) and the vehicle’s physical location in “Vehicle Physical Location” field on the RTS “Owner Entry” TTL007 screen.

Note: Owners of fleet vehicles may show a post office box number in lieu of a street address.

- Out of country and part-time residents must provide their established Texas residential address.
- The address of the owner should be complete and legible and must include the zip code.
- An application which shows the applicant's address to be the same as the lienholder's is acceptable, but VTR may reject any application which shows what appears to be a false or fictitious address such as that of the selling dealer or the dealer’s agent or employee.
- The notation “in care of” (c/o or %) on an *Application for Texas Title and/or Registration* (Form 130-U) signifies a mailing address.

Address Confidentiality Program

Code of Criminal Procedure, Sec. 56.82. Address Confidentiality Program.

(a) The attorney general shall establish an address confidentiality program, as provided by this subchapter, to assist a victim of family violence, trafficking of persons or an offense under Section 22.011, 22.021, 25.02, or 42.072, Penal Code, in maintaining a confidential address.

(b) The attorney general shall:

(1) designate a substitute post office box address that a participant may use in place of the participant's true residential, business, or school address;

(2) act as agent to receive service of process and mail on behalf of the participant; and

(3) forward to the participant mail received by the office of the attorney general on behalf of the participant.

The Address Confidentiality Program (ACP) protects the victims of certain crimes, such as sexual assault and stalking. The Office of the Attorney General (OAG) assigns a post office box for use in lieu of a participant's physical address. This is designed to help protect the crime victim by providing the victim an additional layer of confidentiality.

The OAG, Crime Victim Services Division issues ACP participants a card that includes their name, the seal of the Office of the Attorney General, and the number of the assigned post office box. Any transaction involving an ACP participant may use this post office box number instead of any physical address VTR may otherwise require.

Counties or dealers can validate participation in the program by asking the person to produce the authorization card issued by the OAG for this program. The card contains the proper post office box number.

Liens

Refer to Lien Information on Application for Texas Title and/or Registration (Form 130-U) in Chapter 12.

One Document for Multiple Transactions

If one document (power of attorney, heirship affidavit, will, etc.) is used to support the applications of more than one transaction, applicants should staple all affected transactions together with the document and a note attached stating, "These transactions must be kept together." Furthermore, counties should submit all related transactions in a "SPECIAL HANDLING" envelope with a note stating the transactions should be kept together. An acknowledged copy of the document should support any additional transactions. Additionally, the county tax assessor-collector's office should submit a certification concerning the number of transactions for which the original document was submitted. (Refer to Chapter 11, "Signature - Authority to Sign" for information on acknowledgments and certifications.)

6.2 Place of Application

Purchasers should file an application for Texas title on a vehicle in the county in which they reside or the county in which the vehicle is purchased or encumbered. Transportation Code Section 501.0234 , requires licensed motor vehicle dealers to apply for a title and registration for a motor vehicle in the county as directed by the purchaser on the *County of*

Title Issuance (Form VTR-136) (refer to County of Title Issuance in Chapter 25). The initial registration may also be issued in the county in which the application for Texas title is filed; but thereafter, the owner must register in the county in which they reside. The application and registration receipt must indicate the owner's residential address and county.

Applicants must be Texas residents to apply for a Texas title and registration. Exceptions are made for military personnel and part-time residents when the application is submitted with required documentation. Out of state residents may apply for a bonded title in Texas when the vehicle was last titled in Texas.

Part-time residents (i.e. full-time students) are defined as persons who have dual residency in Texas for part of the year and another jurisdiction for the remainder of the year. Dual residency customers must use the established Texas residential address on the application.

Visitors to Texas without a Texas address are not allowed to title and register a vehicle in Texas.

Out of country residents who qualify for a Texas Title should use their Texas address.

6.3 Personal Identification Information for Obtaining Title

Transportation Code Section 501.0235

(a) The department may require an applicant for a title to provide current personal identification as determined by department rule.

(b) Any identification number required by the department under this section may be entered in the department's electronic titling system but may not be printed on the title.

Acceptable Form of Identification

As of September 1, 2013, an application for Texas title or initial registration is not acceptable unless the applicant presents a current photo identification of the owner containing a unique identification number and expiration date. IDs are not required if there is no change in ownership (such as when correcting a title or recording a lien). Only the following IDs will be accepted:

- Driver license or state identification certificate issued by a state or territory of the United States;
- U.S. or foreign passport;
- U.S. military ID;
- North Atlantic Treaty Organization ID;
- identification issued under a Status of Forces Agreement;
- U.S. Department of Homeland Security ID;
- U.S. Department of State ID; or
- U.S. Citizenship and Immigration Services identification document.

Note: An ID will be considered current for identification purposes if it is not more than 12 months expired. A state-issued personal identification certificate issued to a qualifying person that specifies it is non-expiring is acceptable. For a Texas ID, the person must be at least 60 years old to qualify for a non-expiring ID.

Applicants must present an acceptable form of ID for initial title and registration to their county tax assessor-collector's office or motor vehicle dealer. County tax assessor-collector's office employees must visually check the ID to verify owner information, but are not required to make a copy. The ID type, jurisdiction, the unique number must be recorded on the *Application for Texas Title and/or Registration* (Form 130-U).

If the name is too lengthy for the RTS name field, then use the full last name, first name, suffix (Jr., Sr., III), and as much of the middle name as can be accommodated in that order. Truncate (shorten by cutting the end), do not abbreviate.

If the motor vehicle is titled in more than one name, then the identification of one owner must be presented.

Use of Federal Employer Identification/Employer Identification Number (FEIN/EIN)

If a motor vehicle is being titled in the name of an entity, rather than an individual, an FEIN/EIN may be provided on the *Application for Texas Title and/or Registration* (Form 130-U) and proof documenting the associated FEIN/EIN to the entity can be provided. However, the FEIN/EIN is not required for an entity. The use of an individual's personal identification is acceptable for an entity.

In order to use the FEIN/EIN, a document associating the FEIN/EIN to the entity appearing on the title application must be shown at the time of application. This documentation will be treated in the same manner as personal identification. The documentation does not have to be submitted to the county tax assessor-collector's office for dealer transactions, but a copy must be retained with the dealer's sales records. When the transaction does not involve a dealer, a county tax assessor-collector's office is not required to retain a copy or submit it with the transaction to the department. As with personal identification information, it must only be visually verified.

Examples of acceptable documents to verify the associating FEIN/EIN to the entity appearing on the title application could include a business tax filing or documents from the Comptroller of Public Accounts, Secretary of State, or Internal Revenue Service (IRS). These examples are not all encompassing nor is there a specified list of acceptable documents. Any legitimate document associating the FEIN/EIN to the entity is acceptable.

The individual submitting the title transaction to the county tax assessor-collector's office, even with the use of an FEIN/EIN, must still provided an Acceptable Form of Identification and Authority to Sign. If the FEIN/EIN is not available or a document association the FEIN/EIN to the entity is not available, the personal identification information of the individual submitting the transactions must be recorded and captured.

Authority to Sign

When an employee or authorized agent applies for a title on behalf of a business, government entity, organization, trust, lease company, or with a power of attorney (POA), the employee or authorized agent must provide one of the following, in addition to their government issued photo ID:

- letter of authorization;
- printed business card;
- employee ID;
- POA to establish authority to sign on behalf of the entity.

In addition, the letter of authorization, printed business card, employee ID, or POA may be an original or photocopy.

Power of Attorney

If a power of attorney is being used to apply for a title, then the applicant must show:

- identification matching the person or employee of the entity named as power of attorney;
- a employee ID, business card, or authorization written on the letterhead of an entity named as power of attorney that matches the identification of the employee; and
- identification of the owner or lienholder.

Note: Any power of attorney (except a secure power of attorney, such as a *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) may be an original or a photocopy.

Dealer Requirements

A person who holds a general distinguishing number (GDN) issued under Transportation Code Chapter 503 or Occupations Code Chapter 2301 is not required to submit a copy of the ID to the county tax assessor-collector's office, but is required to retain a copy of the ID in their purchase and sales record. The ID type, jurisdiction, and the unique number must be recorded on the *Application for Texas Title and/or Registration* (Form 130-U). Dealers not licensed in Texas are required to present a copy of the applicant's ID to the county tax assessor-collector's office.

GDN holders are not required to submit authority to sign on behalf of an entity to the county tax assessor-collector's office, but must retain a copy of proof in the purchase and sales record. When a secure POA is assigned to a GDN holder, the individual assigning the title is not required to submit their ID or authority to sign to the county tax assessor-collector's office. A GDN holder is also exempt from submitting their agent's or a third party's ID when a non-secure POA has been assigned for a vehicle exempt from odometer disclosure.

Social Security Number of Title Applicant

Transportation Code, Section 501.0235, was repealed in June 2009. Section 501.0235 had required all title applicants to provide their Social Security Number. Do not record the applicant's social security number on the *Application for Texas Title and/or Registration* (Form 130-U).

6.4 Title Only

Transportation Code Section 501.0275

(a) The department shall issue a title for a motor vehicle that complies with the other requirements under this chapter unless:

(1) the vehicle is not registered for a reason other than a reason provided by Section 501.051(a)(6); and

(2) the applicant does not provide evidence of financial responsibility that complies with Section 502.046.

(b) On application for a title under this section, the applicant must surrender any license plates issued for the motor vehicle if the plates are not being transferred to another vehicle and any registration insignia for validation of those plates to the department.

On September 1, 1999, the department began issuing negotiable Texas Certificates of Title without requiring Texas registration (Title Only). In addition to requiring the negotiable evidence of ownership and supporting documents (e.g., release of lien), the applicant must complete an *Application for Texas Title and/or Registration* (Form 130-U) and mark the "Title Only" option.

By applying for a Title Only, the applicant is certifying they are surrendering any license plates and registration insignia, the vehicle has no license plates and/or registration, or that the vehicle does have a license plate issued under an applicable status of forces agreement.

If the vehicle has license plates issued under an applicable status of forces agreement, the applicant must provide proof of valid military registration in the form of:

- a letter written on official letterhead by the applicant's unit commander attesting to the registration of the vehicle; or
- the registration receipt issued by the appropriate branch of the armed forces or host nation.

Note: For additional information on military Title Only applications, refer to Chapter 20, "Military".

Insurance Company Title Application on Paid Claim Vehicles

Refer to the TxDMV Salvage/Nonrepairable Motor Vehicle Manual.

Miscellaneous

VTR does not issue Title Only for a vehicle if the title is currently suspended or revoked. Counties should advise applicants of the reason for the suspension or revocation and that the title must be cleared before VTR can issue a vehicle a title without registration.

VTR does issue 30-day Permits to vehicles titled as a Title Only or when an application for Title Only has been filed. (Refer to the TxDMV Motor Vehicle Registration Manual.)

The applicant does not have to provide proof of insurance at the time of application for Texas title without registration.

Vehicles with a Texas title obtained without registration are not subject to inspection under Transportation Code, §548.052.

6.5 Registration Purposes Only (RPO)

Registration Purposes Only may be issued for a vehicle last registered or titled in another state, which is subject to registration in this State, and for which the owner cannot or does not wish to surrender the out of state evidence of ownership. This type of registration was designed to enable the owner to register the vehicle in Texas without applying for a negotiable Texas Title.

Registration Purposes Only is not allowed for an unregistered new vehicle.

Application for Registration Purposes Only

An applicant may apply for Registration Purposes Only by submitting an *Application for Texas Title and/or Registration* (Form 130-U) marked with the "Registration Purposes Only" option to a county tax assessor-collector's office. Commercial vehicle owners operating under the International Registration Plan (IRP) may apply for "Registration Purposes Only" at the county tax assessor-collector's office or a TxDMV Regional Service Center. An application must always be in the name of the owner. The Registration Purpose Only receipt that is issued to the applicant serves as proof of registration; however, it can not be used to transfer any interest or ownership in a motor vehicle or to establish a lien on the vehicle.

Application Fee

The application fee for Registration Purposes Only is $28/$33 (the same fee that is applicable to applications for Texas title under Transportation Code, §501.138). The applicant must remit the $28/$33 application fee and any other applicable fees (registration, sales tax, etc.) with the application.

Evidence of Ownership

Evidence of ownership must **not** be surrendered for Registration Purposes Only. The following are required:

- Properly completed *Application for Texas Title and/or Registration* (Form 130-U) with the "Registration Purposes Only" option marked;
- Acceptable Form of Identification;
- Copy of a title, title receipt, or registration receipt from the jurisdiction where the vehicle was last titled or registered;

- Vehicle Inspection Report; and
- Weight certificate verifying the empty weight for commercial vehicles in excess of 10,000 lbs, if applicable.

Out of State Evidence of Ownership

If out of state evidence of ownership (title, registration receipt, etc.) presented to the county tax assessor-collector's office reflects a lien that has not been released, applicants must record the lien information on the *Application for Texas Title and/or Registration* (Form 130-U). Since there can be no change in ownership with an application for Registration Purposes Only, the applicant must record themselves and their previous city and state of residence in Box 20 (Previous Owner Name, City, and State). Any original ownership evidence must be returned to the applicant with the Registration Purposes Only receipt, license plates, and windshield/plate sticker.

Apprehended Vehicles

If the vehicle has been apprehended, the *Vehicle Identification Number Certification* (Form VTR-270) is acceptable in lieu of the Vehicle Inspection Report if the applicant is able to certify one of the reasons on the aforementioned form. (Refer to Transportation Code Section 501.030)

Vehicles Located Out of State

When an applicant applies for Texas title/and or registration for a vehicle last titled and/or registered out of state, the applicant is required to provide a verification of the vehicle identification number in the form of a Vehicle Inspection Report or a *Law Enforcement Identification Number Inspection* (Form VTR-68-A).

A vehicle that is located out of state is exempt from a vehicle safety inspection. Therefore, if the vehicle is eligible for registration and the applicant submits an application for Registration Purposes Only for a vehicle that is located out of state, the applicant is required to provide a self-certification of the vehicle identification number on the *Vehicle Identification Number Certification* (Form VTR-270) in lieu of the Vehicle Inspection Report or *Law Enforcement Identification Number Inspection* (Form VTR-68-A). (Refer to Chapter 18, "Out of State Requirements" for more information).

Note: Anytime the *Vehicle Identification Number Certification* (Form VTR-270) is used to certify a vehicle identification number, the VIN CERTIFICATION WAIVED remark must be applied. The applicant will be required to apply for a corrected title upon the vehicle entering Texas.

Texas Licensed Dealers

Registration Purposes Only cannot be issued to a motor vehicle assigned to a licensed motor vehicle dealer. Registration Purposes Only can only be issued to the owner in whose name the vehicle is currently titled in another jurisdiction.

Foreign/Imported Vehicles

(Refer to Chapter 19, "Imported Vehicles" for information concerning foreign/imported vehicles).

If a seized or forfeited vehicle is awarded by the courts to a law enforcement agency for their official use, and the vehicle information provided indicates the vehicle does not conform to USDOT safety requirements (i.e., does not have the U.S. safety labels attached to the vehicle) VTR issues a receipt for Registration Purposes Only in the name of the law enforcement agency and the vehicle record is marked "DOT PROOF REQUIRED". The transaction, in the name of the law enforcement agency should be submitted to VTR for processing and issuance of EXEMPT registration. (Refer to Chapter 16, "Operation of Law" for further information.)

Correction of Registration Purposes Only Record

If a "Registration Purposes Only" title, issued prior to September 1, 2001, or an application receipt for Registration Purposes Only issued on or after September 1, 2001, is incorrect, owners can surrender it for cancellation and file for a new application. If the correction is due to a customer error, the new application must include the same evidence as any other application for a "Registration Purposes Only" and is subject to applicable fees.

Application for Negotiable Texas Title after Issuance of Registration Purposes Only

If the holder of a Texas Registration Purposes Only receipt or non-negotiable title issued prior to September 1, 2001 (or verification of the non-negotiable title) wants a negotiable Texas title in their name, they must file a new application for Texas title and the proper out of state ownership evidence must be surrendered. They must also surrender the Texas registration receipt or non-negotiable title issued prior to September 1, 2001 (or verification of the non-negotiable title) indicating registration purposes only with the transaction. The holder need not attach a Vehicle Inspection Report if the Texas registration receipt or non-negotiable title issued prior to September 1, 2001 (or verification of the non-negotiable title) indicating registration purposes only is surrendered with the transaction.

If the holder of a Texas Registration Purposes Only receipt or non-negotiable title desires to transfer ownership of the vehicle, the holder may assign the out of state title or the out of state registration receipt if the vehicle was last registered in a non title state.

Registration Purposes Only Issued by Other States

Registration Purposes Only may be referred to by other states under different names, such as Nontransferable Titles, "Registration Purposes Only" Titles, Memorandum Titles, or Goldenrods. These documents are not acceptable as ownership evidence when applying for any type Texas title.

6.6 Issuance of Title

Transportation Code Section 501.027

(a) On the day that a county assessor-collector issues a title receipt, a copy of the title receipt and all evidence of title shall be submitted to the department in the period specified in Section 501.023(b)

(b) Not later than the fifth day after the date the department receives an application for a title and the department determines the requirements of this chapter are met:

(1) the title shall be issued to the first lienholder or to the applicant if a lien is not disclosed on the application; or

(2) the department shall notify the applicant that the department's titling system has established a record of title of the motor vehicle in the applicant's name if a lien is not disclosed. If a lien is disclosed on the application, the department shall notify the lienholder that the lien has been recorded.

Automatic Title Issuance

Title transactions processed by county tax assessor-collector's offices will automatically issue a title, or create an electronic title, seven calendar days after being processed unless a hard stop (such as TITLE HELD AWAITING DPS OK, NMVTIS HOLD, TITLE REJECTED, or LEGAL RESTRAINT) is on the record. Upon removal of a hard stop, the title will automatically be issued if it was originally processed seven or more calendar days prior.

Encumbered Motor Vehicles

When a vehicle is encumbered (lien), the lienholder is provided the negotiable Texas Title and the owner is provided a *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS). The receipt serves as the owner's evidence that title application was filed recording him or her as owner and recording the lien. Before the owner may sell, trade, or otherwise dispose of the vehicle, the lienholder must release the lien.

Unencumbered Motor Vehicles

When a vehicle is unencumbered (no lien), the owner is provided the negotiable Texas Title.

Signature of Owner

The certificate of title has a space on the front for the owner to sign upon receipt of the title. The signature of owner in this space is preferred; however, the lack of an owner's signature does not invalidate a certificate of title.

6.7 Title Receipt

Transportation Code Section 501.024

(a) A county assessor-collector who receives an application for a title shall issue a title receipt to the applicant containing the information concerning the motor vehicle required for issuance of a title under Section 501.021 or Subchapter I after:

(1) the requirements of this chapter are met, including the payment of the fees required under Section 501.138; and

(2) the information is entered into the department's titling system.

(b) If a lien is not disclosed on the application for a title, the assessor-collector shall issue a title receipt to the applicant.

(c) If a lien is disclosed on the application for a title, the assessor-collector shall issue a duplicate title receipt to the lienholder.

(d) A title receipt with registration or permit authorizes the operation of the motor vehicle on a public highway in this state until the title is issued.

The *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS), issued by the county tax assessor-collector's office to the applicant and lienholder (if any) at the time application for Texas title is filed, constitutes proof of ownership pending the issuance of the Texas title. This form is designed as a combination receipt for title application, registration, and motor vehicle tax.

6.8 Duplicate Title Receipt

Transportation Code Section 501.132

Except as otherwise provided by department rule, the department may not issue a duplicate title receipt unless the original title receipt or certificate of title is surrendered.

In the event the owner or lienholder loses a receipt *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) and a duplicate is necessary, the county tax assessor-collector's office may issue a duplicate receipt. The method of obtaining a duplicate certificate of title is discussed in Chapter 24, "Certified Copies".

6.9 Alteration of Certificate or Receipt

Transportation Code Section 501.154

A person commits an offense if the person alters a manufacturer's certificate, a title receipt, or title.

An altered *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS), certificate of title, or manufacturer's certificate attached to a title transaction received by the department constitutes valid reason for the rejection of the transaction.

6.10 Stop Title Requests

The department only stops a title transaction upon receipt of a temporary restraining order or temporary injunction issued by a county or district court restraining the department from issuing the title. Additionally, the department does not return the transaction to the seller or buyer until directed by the court.

Note: A county tax assessor-collector's office may make use of their next day void when appropriate. Once a transaction appears in the system, only a court order may stop a title transaction.

1. As with other civil cases, a petition to the court is filed under the Rules of Civil Procedure.

2. The applicant must file a case in county or district court. Customers may obtain routine sample petitions and sample orders from the Office of General Counsel-Title Litigation by request. The department must be made a party to the proceedings as well as any other interested party, including the recorded owner and any lienholder of record. Legal notices and process may be served informally by first-class mail to the Office of General Counsel, TxDMV, 4000 Jackson Ave, Austin, Texas 78779, or if asked in advance, by fax.

Note: Regional Service Centers, are not authorized to accept citations on behalf of the department.

3. On receipt of a properly filed petition, the department's Office of General Counsel can file an Answer to the Court explaining any irregularities and ensure that relevant parties are notified so they may intervene to protect their interests if they wish to do so, before a final order or judgment is issued.
4. The department does not represent any person's interest in these cases.
5. The department cannot comply with the terms of an order if we have no record of being served with a petition.

Temporary Hold Title Requests

The department accepts a written request to place a temporary hold for 10 business days on a motor vehicle title record when the requester pursues litigation through a Texas court of competent jurisdiction (county or district court) to prevent title issuance.

Make all requests for temporary holds in the form of a letter either faxed to (512) 465-5638, emailed to VTR_TitleLitigation@txdmv.gov or mailed to:

Texas Department of Motor Vehicles
Office of General Counsel-Title Litigation
4000 Jackson Avenue
Austin, Texas 78731

If the department is not restrained by an injunction or restraining order, which specifically prohibits the department from issuing title, the temporary hold is removed at the end of 10 business days.

6.11 Revocation Affidavits - First Sale Title Application

Transportation Code Section 501.051

(b) The department may rescind, cancel, or revoke an application for a title if a notarized or county-stamped affidavit is presented containing:

(1) a statement that the vehicle involved was a new motor vehicle in the process of a first sale;

(2) a statement that the dealer, the applicant, and any lienholder have canceled the sale;

(3) a statement that the vehicle:

(A) was never in the possession of the title applicant; or

(B) was in the possession of the title applicant; and

(4) the signatures of the dealer, the applicant, and any lienholder.

(c) A rescission, cancellation, or revocation containing the statement authorized under Subsection (b)(3)(B) does not negate the fact that the vehicle has been the subject of a previous retail sale.

In certain situations, such as when financing falls through or when a purchaser has second thoughts on a vehicle purchase, the revocation affidavits provide an alternative to a court order for canceling a first sale title application. The department may rescind, cancel or revoke an application for Texas title if notarized affidavits executed by the purchaser, dealer and lienholder (if applicable) are presented to the department within 21 days from the initial date of sale (check the date of assignment). To use this process, all parties must mutually agree to cancel the first sale title application.

Completed *Title Revocation Affidavit for a First Sale* (Form VTR-17) packets must be submitted to:

VTR-Title Services

4000 Jackson Ave

Austin, Texas 78731.

The dealer is responsible for packaging the completed affidavits and must include:

- Dealer's revocation affidavit
- A copy of the Dealer license
- Purchaser's revocation affidavit(s)
- Lienholder's revocation affidavit (if applicable)
- Original title (if applicable)

Dealers are required to retain a copy of the completed affidavits for their records. The affidavits should be notarized, but the department will accept a county stamp in lieu of notarization. A Power of Attorney is NOT acceptable for use in conjunction with the affidavits.

The Vehicle Titles and Registration Division will make the determination to accept or reject the revocation affidavits based on the information provided and a review of the original title application paperwork.

Title and registration fee refunds issued in conjunction with the use of the Revocation Affidavits will be authorized by VTR. The department will issue a *Registration Fee Refund Request/Authorization* (Form VTR-304) directly to the county where the original title application was filed. Questions regarding a refund of Sales Tax should be directed to the Comptroller of Public Accounts.

Note: The revocation affidavit process is for use in conjunction with a first retail sale (vehicle being transferred on a MCO) and should under no circumstances be utilized in a used vehicle transaction.

6.12 Corrected Title

In many instances, a court order is not necessary since VTR can correct the title after it is issued (refer to Chapter 7, "Corrections"). Customers can file an application for corrected title supported by the proper documentation to correct errors:

Some correctable errors are:

- Vehicle description (make, year model, body style, VIN)
- Name
- Address (if the owner wants the address change shown on the title)
- Wrong Lien
- Lien Omitted
- Wrong Evidence
- Add/Remove a Lien
- Odometer Discrepancies

6.13 Undeliverable/Returned Titles

Certificates of title returned by the post office because of an insufficient or incorrect address are destroyed. To obtain a replacement title, the owner or lienholder must submit an *Application for a Certified Copy of Title* (Form VTR-34) with the correct address, the application fee, and any supporting documents to a TxDMV Regional Service Center. Applicants should also attach a *Change of Address for Texas Vehicle Registration* (Form VTR-146) to the *Application for a Certified Copy of Title* (Form VTR-34) to correct the address on the motor vehicle record.

6.14 Electronic Titling System

Transportation Code Section 501.173

(a) The board by rule may implement an electronic titling system.

(b) A record of title maintained electronically by the department in the titling system is the official record of vehicle ownership unless the owner requests that the department issue a printed title.

(c) In addition to other title fees, the board by rule may set a fee to be assessed for the issuance of a paper title to cover the cost of administering an electronic titling system.

eTitle with Lien

An eTitle with a lien is known as an Electronic Lien Title, or ELT. Once a lien has been paid off, the lienholder of the ELT must release the lien electronically. Once a lienholder has released their lien electronically, a paper title with a new document number is issued without the lien. Lienholders also have the ability to convert their ELTs into paper leaving the lien intact. Refer to Chapter 12, Section 12.14 Electronic Lien Title (ELT) for additional information.

eTitle without Lien

webDEALER facilitates the creation of eTitles without recording a lienholder. In these situations, the title record in RTS is the official proof of ownership. At some point, it is likely the owner on record will transfer ownership of the vehicle, take the vehicle out of state, or simply want a paper title. In order to facilitate the owner of record obtaining a paper title, the following options are available to convert the eTitle into a paper title:

- A county tax assessor-collector's office can process a "no charge" Corrected Original transaction with a No Charge Authorization letter from a TxDMV Regional Service Center; or
- A TxDMV Regional Service Center can process a "no charge" certified copy of title (CCO).

Chapter 7

CORRECTIONS

This chapter contains the following sections:

- ***7.1*** Statements of Fact
- ***7.2*** Corrected Manufacturer's Certificate of Origin (MCO)
- ***7.3*** Correcting Rejected Title Applications
- ***7.4*** Corrected Texas Certificates of Title
- ***7.5*** Incorrect Lien Recorded
- ***7.6*** Name Change
- ***7.7*** Duplicate Title Records
- ***7.8*** Title Record Superseded in Error
- ***7.9*** Switched Evidence
- ***7.10*** Vehicle Description Corrections
- ***7.11*** Motor and Permanent VIN Errors
- ***7.12*** Out of State Make, Year Model, and Body Style Errors
- ***7.13*** Optional Classification Vehicle
- ***7.14*** Adjusting Weights

7.1 Statements of Fact

Statements of Fact are requested to explain errors, corrections, or conditions from which doubt does or could arise concerning the legality of any document. A person relevant to the issue in question is usually required to complete a statement of fact.

Some conditions, however, arise which necessitate that a particular person complete the statement of fact as shown in the following examples:

- When the purchaser's name or date on the assignment has been erased or blacked out, the execution of the statement is restricted to the seller.
- When there is any question relating to the lien information, the execution of the statement is restricted to the lienholder.
- When the lien information is completely erased on the assignment of manufacturers' certificates, the execution of the statement is restricted to the seller shown on the assignment.
- When the name on a title is different from the signature on an assignment (because of a name change resulting from marriage or divorce, or indicates Sr./Jr.), the execution of the statement is restricted to the person in question.

The statement of fact must properly identify the vehicle. The vehicle description should include, at the minimum, the vehicle identification number.

To reduce the requirement for Statements of Fact only line through incorrect information on the assignment or any other document and show the correct information. VTR does not allow the use of white-out or liquid paper on any title transfer documents. If an obvious error is lined through and the correct information is shown, VTR accepts the transaction provided there is no conflict elsewhere in the transaction.

Altered Date of Assignment

If the date of sale on an assignment has been erased or altered in any manner, the seller must attach a statement of fact verifying the actual date of sale and furnishing a satisfactory explanation as to why the assignment was erased or altered. This statement from the seller is not necessary if the delinquent transfer penalty is collected.

7.2 Corrected Manufacturer's Certificate of Origin (MCO)

Incorrect Vehicle Identification Number (VIN)

If the evidence supporting a Texas application is an MCO and the vehicle identification number is erroneous, illegible, or altered, a corrected MCO showing the correct number is required.

In the event the vehicle identification number is recorded in error on a Texas title (supported by an incorrect MCO as revealed by VTR records) and the vehicle is less than two years old, not counting the present year model, a corrected MCO showing the correct number is required. The procedure to obtain a corrected MCO is as follows:

- In some cases, the manufacturer may require a letter from this department stating that the MCO has been recorded and destroyed.
- The dealer or distributor to whom the MCO was issued should request a corrected certificate from the manufacturer. They should attach the above mentioned letter to the request, if required.

Dealers should file the application for corrected title supported by the incorrect negotiable Texas Title (or a Certified Copy of Texas Title) and the corrected MCO with the county tax assessor-collector's office.

The VIN on the MCO must be the same as stamped on the vehicle identification number plate by the manufacturer.

If an error exists in the motor or vehicle identification number and the application for Texas title is supported by out of state evidence, refer to Out of State Make, Year Model, and Body Style Errors for correction procedure.

Incorrect Weight

VTR accepts a corrected MCO, if the MCO is invoiced to a dealer in another state and the gross vehicle weight is omitted. Counties can often determine weight from the model and VIN number.

VTR accepts a letter from the manufacturer instead of a corrected MCO. The letter should be on the manufacturer's official letterhead and should include a description of the vehicle model series and the gross vehicle weight for the vehicle model. The manufacturer should provide the letter to Texas franchised dealers, who should then provide it to the county tax assessor-collector's office when processing the title and registration transaction for the vehicle. A photocopy of the manufacturer's letter is acceptable.

7.3 Correcting Rejected Title Applications

All "Title Rejected" transactions must be processed through the Correct Title Rejection event in RTS even when a data entry correction is not required. "Rejections" for missing signatures, forms, or other paper documentation, which do not affect the way the record is entered into RTS, should be processed through the Correct Title Rejection event. When processing these "corrections," process the transaction through the event from start to finish without making any data entry modifications. Upon completing this process, a new *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) is generated with a new document number. This will clear the "REJECTION" from the record and allow the transaction to be processed as normal.

7.4 Corrected Texas Certificates of Title

Processing Corrected Titles

Owners may correct errors on Texas titles by surrendering the incorrect title and filing an application for corrected title with the county tax assessor-collector's office. However, the county tax assessor-collector's office may not waive the title fee or issue a "no charge *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS). The only process for correcting errors without charge is through the department.

Mark the correction block on the application for corrected title when there is a correction to the vehicle, odometer, or lienholder information.

The applicant who needs to change or correct the vehicle information must have the basic evidence of ownership in their name or the evidence assigned to them. In the case of a transfer of ownership, the purchaser may use an application to make the correction and transfer ownership at the same time.

When an application for corrected title is filed to correct the vehicle or owner/lienholder information and the correction does not require the collection of an additional registration fee, the applicant's copy of the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) serves as a corrected registration receipt.

When a vehicle is changed from a classification requiring the issuance of a title to a classification which does not require titling, the applicant should not surrender the title to this department for cancellation. (Example: A titled trailer licensed with regular trailer registration is subsequently changed to the farm trailer registration classification.) The owner should retain the certificate of title as their evidence of ownership.

No Charge Corrected Titles

The following procedures apply when a vehicle owner/lienholder notifies a county tax assessor-collector's office or VTR of a title error caused by a county tax assessor-collector's office or the department that is verifiable by department records.

1. If a customer informs a county tax assessor-collector's office that a title is in error, the county tax assessor-collector's office should contact their Regional Service Center to determine and validate a data entry error occurred.

2. The Regional Service Center verifies the error by reviewing title history documents. If confirmed, region personnel complete and issue an authorization form indicating:

   - Specific item(s) requiring correction
   - The Filenet number (if applicable)

Note: If the customer contacts a Regional Service Center or VTR headquarters to advise that a title is in error, VTR reviews and examines the title history documents. If confirmed, VTR directs the applicant to submit the title to their local county tax assessor-collector's office for correction either in-person or via mail. The appropriate Regional Service Center will issue a correction letter and coordinate the correction with the applicant's county tax assessor-collector's office. The county tax assessor-collector's office will process the correction.

3. Regional Service Centers then fax or e-mail the completed authorization form directly to the county tax assessor-collector's office to grant authorization to process a corrected title transaction through RTS at no additional charge.

Note: Regional Service Center personnel only issue authorizations and provide the authorization form directly to county tax assessor-collector's offices.

4. The county tax assessor-collector's office processes the transaction through the Corrected Title event in RTS at no charge. The corrected title transaction should include the following documents:

   - Regional Service Center Authorization form, with customer acknowledgment, or Written request (if mail-in)
   - Incorrect title (if applicable)
   - RTS title application receipt

Note: The above procedures:

- **Are not applicable in situations where the title applicant caused the error. In such cases, the owner/lienholder must apply for a corrected title and pay the statutory fee.**
- **Do not apply if the vehicle has been sold. The county tax assessor-collector's office should make the correction at the time of transfer and collect all applicable fees.**

- **Do not apply in situations where VTR is required to revoke the title record (i.e. lien omits or lien in error).**

VTR does not issue a corrected title when it cannot confirm the error by department records. The applicant must file an application for corrected title with the county tax assessor-collector's office supported by proper evidence to substantiate the correction.

Record Showing Prior CCO Issued

When a corrected title is requested with no change of ownership and the vehicle record indicates that a certified copy has been issued, the corrected title issued is a certified copy. All subsequent certificates of title bear the words "Certified Copy" and the vehicle record indicates a "Prior CCO Issued" notation until the motor vehicle is transferred to a new owner. The new owner receives an original title, or a registration receipt if the title reflects a lien.

Examples of when a corrected title is issued as a certified copy when a certified copy certificate of title exists are when:

- An application for a corrected title is filed through a county tax assessor-collector's office to record or remove a lien; or
- A title is issued incorrectly and a corrected title is issued by VTR to correct the error.

Processing Correction on an ELT Record with an Error

The procedures outlined in the previous subsections apply if an error is identified by the owner or a lienholder on an electronic lien title (ELT) record. The only deviation from the above procedures is that in lieu of the paper Texas Certificate of Title being surrendered to support the corrected title application, the county tax assessor-collector's office may print out a copy of the motor vehicle record in lieu of the paper Texas Certificate of Title. This eliminates the need to print a paper title to surrender back to the department.

"Texas Title" should be selected as the ownership evidence type in RTS.

If the error was the result of the county tax assessor-collector's office or the department, a no charge correction may be authorized; otherwise, the $28 or $33 title application fee applies.

Wrong Lienholder Recorded on an ELT Record

In situations where the wrong ELT lienholder was recorded, the wrong lienholder would be required to:

1. Electronically release the ELT record to the care of (c/o) of the dealer, lienholder, or individual/entity who will file the corrected title application with the county tax assessor-collector's office; or
2. Provide a letter of no interest to the dealer, lienholder, or individual/entity who will file the corrected title application with the county tax assessor-collector's office.

Note: This section does not apply to voluntary changes in ownership or lienholder. This includes situations where a new individual or entity will be recorded as an owner, or a new or additional lienholder is recorded as part of a refinance. Since these situations do not involve an "error," the paper Texas Certificate of Title is required and would require the payment of the title application fee.

7.5 Incorrect Lien Recorded

If a lienholder's name is recorded in error on a Texas title, the lien may be released, and/or an application for corrected title filed with a statement of fact from the lienholder stating that they are the correct lienholder and there is no such lienholder as that recorded on the title. In addition, the lienholder must attach a copy of the security agreement to the transaction.

7.6 Name Change

An application for corrected title voluntarily changing a name, such as for a marriage or divorce, must attach a statement of "Name Change Due to (Marriage, Divorce, etc)" to the title application.

In addition, if the individual desires to include another individual's name (such as one spouse changing their name and adding the other spouse), then they must complete an assignment of title and they should file an application for transfer of title. This situation would be handled as an original title transaction rather than a corrected-original.

7.7 Duplicate Title Records

A duplicate title record exists when two title records exist for the same motor or vehicle identification number (VIN). If it is determined that two titles have been issued for the same vehicle, the title record with the oldest issued date is removed.

If it is determined that two titles have been issued for two different vehicles under the same motor or VIN, a pencil tracing or photograph of the VIN, or a *Law Enforcement Identification Number Inspection* (Form VTR-68-A) may be requested. A legal restraint or title rejection is applied to each record until such time as the VIN verifications are returned by the owners.

- When the VIN verification is submitted to the department and establishes the number to be the same as the number on the title record, the department issues title or removes the legal restraint. The legal restraint or title rejection remains on the other title record.
- If a VIN verification is submitted that shows a number different from the title record, the title record must be corrected (refer to Chapter 13, "Vehicle Identification Numbers"). The legal restraint or title rejection is removed from the other title record.

Removing Duplicate Records

If it is determined by VTR's title records and the evidence submitted that two titles have been issued for one vehicle, the two-chain is automatically broken; and the title record with the oldest date or title number is removed. The determining factors in this situation are the year model, VIN, body style, license number, previous title record, and name(s) of owner(s).

VIN in Error

If the transaction being examined has two or more title records in the computer system and VTR determines that a “two-chain” exists, the “two-chain” may be broken by returning the transaction for a pencil tracing of the motor or VIN. The title record covering the other vehicle should be marked “VIN IN ERROR”.

- When the pencil tracing returns to VTR and the tracing shows the number to be the same as the number on file, VTR issues title. The “VIN IN ERROR” remains on the other title record.
- If a returned pencil tracing shows a number different from the records of this department, the complete transaction is handled in the same manner as discussed in Chapter 13, “Vehicle Identification Numbers” regarding VIN errors. The “VIN IN ERROR” is then removed from the other title record.

7.8 Title Record Superseded in Error

The title history of a motor vehicle should be reviewed when a title record is superseded due to a later title transfer and a transaction is attempted on the superseded record. If the tile history confirms the original record was superseded in error, such as an incorrect VIN or license plate number being accessed during the transfer, a Regional Service Center must be notified and subsequently notify the Vehicle Data Management Branch to reinstate the existing title record. Once the original record has been reinstated, subsequent transactions may be performed.

A legal restraint must be placed on the subsequent title record and the owner of the subsequently titled vehicle must be contacted with the appropriate instructions to resolve the error.

7.9 Switched Evidence

If evidence of ownership for two vehicles is switched VTR can correct the errors by one of the following methods:

Incorrect Entries

If Texas titles are switched on two vehicles and, as a result, incorrect titles are issued on each vehicle, the first owner discovering the error should make a pencil tracing of the motor or vehicle identification number (VIN) and prepare a statement of fact stating that they did not make any change in the description of the vehicle and that the incorrect evidence was assigned to them at the time the vehicle was purchased. The owner should file an application for corrected title supported by the incorrect title, the pencil tracing, and the statement of fact. The county tax assessor-collector’s office should process the application in RTS and then submit the transaction to VTR in a separate envelope marked “Switched Evidence.”

Upon arrival VTR checks the title record and contacts the other owner by letter requesting they follow the same procedure to correct their title. It is also possible for each owner to assign their incorrect title to the other and then file an application for corrected title.

Switched MCOs and One Vehicle Titled

If a dealer switches Manufacturer's Certificates of Origin (MCOs) and one vehicle is titled before the error is discovered, the dealer should assign the correct MCO to the proper owner. They should contact the recorded owner and/or lienholder to obtain the incorrect Texas Title. The dealer should also apply for a duplicate MCO from the manufacturer on the vehicle that is still in stock. Upon receipt of the incorrect title, the dealer should file an application for corrected title supported by the correct MCO and the incorrect title.

Switched MCOs and Both Vehicles Titled

If a dealer switches MCOs and both vehicles are titled before the error is discovered, the dealer must file a case with the county or district court before VTR can alter the ownership records (refer to Chapter 8, "Refusal/Denial of Title"). It is also possible for each owner to assign their incorrect title to the other and corrected applications for titles filed.

7.10 Vehicle Description Corrections

An application for corrected title supported by proper evidence is required:

- to correct the VIN, make, year model, weight, or body style of a vehicle;
- when a change has occurred in any of the three basic component parts of a motor vehicle (motor, frame, and body) which alters the appearance of the motor vehicle or removes that component part upon which the identifying number of the motor vehicle is located (Refer to the `TxDMV Assembled and Rebuilt Vehicle Manual`).

The applicant who desires to change or correct the description of a vehicle must have the basic evidence in his or her name, or the evidence assigned to the applicant. If transfer of ownership is involved, the purchaser may use an application for Texas title to make the correction and transfer ownership at the same time.

7.11 Motor and Permanent VIN Errors

Correcting a title that records an incorrect motor number or VIN is the same as for any vehicle description correction. If the error on the Texas title is because of an error in data entry and is verified by reviewing the title history, a corrected title can be processed without further documentation.

If two or less characters are incorrect in the VIN and an error in data entry cannot be verified or if the surrendered ownership evidence, such as an out of state title, reflects the incorrect VIN, a pencil tracing or a photo of the VIN, or a Vehicle Inspection Report or *Law Enforcement Identification Number Inspection* (Form VTR-68-A) is required.

If more than two characters are incorrect in the VIN and an error in the data entry cannot be verified or if the surrendered ownership evidence, such as an out of state title, reflects the incorrect VIN, a corrected ownership evidence document from the issuing jurisdiction or a *Law Enforcement Identification Number Inspection* (Form VTR-68-A) is required to correct the error. If a *Law Enforcement Identification Number Inspection* (Form VTR-68-A) is used to support the VIN correction and any other part of the vehicle description is in conflict with the VIN or surrendered ownership evidence, the ownership evidence is considered insufficient, and the applicant must obtain a bonded title, court order, or tax assessor-collector hearing.

In all cases, the *Application for Texas Title and/or Registration* (Form 130-U) must reflect the correct VIN and must contain an original signature of the applicant. This serves as the applicant's certification of the VIN.

MCO in Error

A corrected MCO is required if a VIN on a Manufacturer's Certificate of Origin (MCO) is incorrect. All supporting documentation must also reflect the VIN on the corrected MCO. If a corrected MCO cannot be obtained because the manufacturer is out of business or refuses to provide a corrected MCO, a *Law Enforcement Identification Number Inspection* (Form VTR-68-A) is required along with a statement of fact from the applicant and motor vehicle dealer (if applicable) that the manufacturer is out of business or refuses to provided a corrected MCO.

Error in Vehicle Inspection Report

A corrected Vehicle Inspection Report is required if there is an error in the VIN for any vehicle most recently titled and/or registered out of state. A Vehicle Inspection Report is acceptable if it has an error of two or less characters for any vehicle last titled and/or registered in Texas as long as the VIN on all other documentation is correct. A Vehicle Inspection Report with an error of two or more characters is not acceptable for any transaction and must be corrected.

Physically Altered VINS

An assigned number is required when a motor or vehicle identification number has been removed, changed, or obliterated. Refer to Chapter 13, "Vehicle Identification Numbers" for information on assigned numbers.

7.12 Out of State Make, Year Model, and Body Style Errors

If an applicant desires to correct an error in the make, year model, or body style, no evidence is required to correct the error if the correct make, year model, or body style can be determined from VIN specifications or VTR's records. However, if the error remains unconfirmed, the customer must attach evidence of ownership for the change involved or verification from the proper out of state authorities and pay the application fee for a corrected title.

When an error can be confirmed by records, VTR authorizes counties to correct the error without charge.

The make of vehicle, year model, and body style as shown on the out of state evidence must agree with the description as shown on the Vehicle Inspection Report except when the out of state evidence is in error or there is a mistake in the description of vehicle and the vehicle identification number verifies the correct vehicle make, year model, or body style. If the vehicle make, year model, or body style is in error on the out of state evidence but appears correctly on the Vehicle Inspection Report, it is not necessary to obtain verification from the state that issued the incorrect evidence of ownership. If the out of state evidence is correct but the Vehicle Inspection Report is in error, VTR does not require a corrected Vehicle Inspection Report.

7.13 Optional Classification Vehicle

If an optional classification vehicle is initially registered and titled as a passenger car, the owner may later choose to exchange the plates for commercial plates or reregister the vehicle with commercial plates. If so, an application for corrected title is required to establish the gross vehicle weight if it has not already been established and recorded on the outstanding title.

7.14 Adjusting Weights

To lower the weight on a passenger vehicle, an application for corrected title must be filed with the following documentation:

1. If the department records reveal the original evidence of ownership is a Manufacturer's Certificate of Origin (MCO), the weight cannot be lowered below the weight recorded without a corrected MCO; or if rebuilt or altered, a weight certificate verifying the gross weight, and a *Rebuilt Vehicle Statement* (Form VTR-61) explaining the alteration.
2. If the original evidence is from out of state, a weight certificate should be used to determine the correct weight.

To lower the weight on a commercial vehicle, a weight certificate must be attached to an application for corrected title.

A refund will not be issued if the gross weight of a commercial vehicle is lowered during a registration year.

Chapter 8

REFUSAL/DENIAL OF TITLE

This chapter contains the following sections:

- ***8.1*** Grounds for Refusal to Issue, or for Revocation or Suspension of Title
- ***8.2*** Tax Assessor Collector Hearing
- ***8.3*** Bonded Title
- ***8.4*** Denial for Failure to Provide Proof of Emissions Testing
- ***8.5*** Denial for Safety Responsibility Suspension

8.1 Grounds for Refusal to Issue, or for Revocation or Suspension of Title

Transportation Code Section 501.051

(a) A title may be refused, canceled, suspended, or revoked by the department if:

(1) the application contains a false or fraudulent statement;

(2) the applicant failed to furnish required information requested by the department;

(3) the applicant is not entitled to a title;

(4) the department has reason to believe that the motor vehicle is stolen;

(5) the department has reason to believe that the issuance of a title would defraud the owner or a lienholder of the motor vehicle;

(6) the registration for the motor vehicle is suspended or revoked; or

(7) the required fee has not been paid.

(b) The department may rescind, cancel, or revoke an application for a title if a notarized or county-stamped affidavit is presented containing:

(1) a statement that the vehicle involved was a new motor vehicle in the process of a first sale;

(2) a statement that the dealer, the applicant, and any lienholder have canceled the sale;

(3) a statement that the vehicle:

(A) was never in the possession of the title applicant; or

(B) was in the possession of the title applicant; and

(4) the signatures of the dealer, the applicant, and any lienholder.

(c) A rescission, cancellation, or revocation containing the statement authorized under Subsection (b)(3)(B) does not negate the fact that the vehicle has been the subject of a previous retail sale.

Texas law requires that applicants furnish certain information and evidence of ownership to support the issuance of a Texas title. The department may reject any application for Texas title that fails to show the required information.

- A Texas title will not be issued until the reason for rejection has been corrected.
- Registration will not be renewed until the reason for rejection has been corrected.
- A Texas title will not be issued until all applicable fees have been collected.

Note: Use the RTS Additional Collections event to collect any additional fees outside of the transaction. Corrections to documents must be made (if applicable) and corrections to the motor vehicle record must be processed in the "Correct Title Rejection" event.

Invalid Reasons for Rejecting a Transaction

VTR cannot honor requests for the rejection of applications for "skips," "hot checks" and "fraudulent deals" unless a county or district court of competent jurisdiction issues a restraining order.

8.2 Tax Assessor Collector Hearing

Transportation Code Section 501.052

(a) An interested person aggrieved by a refusal, rescission, cancellation, suspension, or revocation under Section 501.051 may apply for a hearing to the county assessor-collector for the county in which the person is a resident. On the day an assessor-collector receives the application, the assessor-collector shall notify the department of the date of the hearing.

(b) The assessor-collector shall hold the hearing not earlier than the 11th day and not later than the 15th day after the date the assessor-collector receives the application for a hearing.

(c) At the hearing, the applicant and the department may submit evidence.

(d) A determination of the assessor-collector is binding on the applicant and the department as to whether the department correctly refused to issue or correctly rescinded, canceled, revoked, or suspended the title.

(e) An applicant aggrieved by the determination under Subsection (d) may only appeal to the county or district court of the county of the applicant's residence. An applicant must file an appeal not later than the fifth day after the date of the assessor-collector's determination. The judge shall try the appeal in the manner of other civil cases. All rights and immunities granted in the trial of a civil case are available to the interested parties. If the department's action is not sustained, the department shall promptly issue a title for the vehicle.

Transportation Code Section 501.052 provides that a person with an ownership interest in a motor vehicle that the department has refused to issue a title, or has suspended, rescinded, canceled, or revoked the title is entitled to a hearing by their local county tax assessor-collector. The county tax assessor-collector, after examining the evidence at hand and hearing testimony from both the applicant and VTR, makes the determination if title issuance is appropriate. If the county tax assessor-collector sustains the department's decision, the applicant may then appeal the ruling to the county court. A county tax assessor-collector hearing is not available for a title marked Export-Only or assigned to a foreign purchaser.

Note: A county tax assessor-collector's hearing is not available when an applicant is unable to provide proof of compliance with U.S. Department of Transportation Safety requirements for a vehicle not manufactured for sale or distribution in the United States.

Insufficient evidence

When there is a question as to whether an owner has sufficient evidence to secure a title, the owner may submit the evidence of ownership directly to the department together with a request to advise if the department will issue title. This request must be in writing and submitted directly to one of the various TxDMV Regional Service Centers located throughout the State. It is not necessary for the owner to register the vehicle and file an official application for Texas title prior to submitting such a request. (See Documentation Lacking for Title Issuance)

Title Refused

If VTR cannot issue title from the evidence submitted, it advises the applicant of the evidence needed to complete the transaction. If the applicant cannot obtain such evidence, they may appeal the department's decision by requesting a Tax Assessor-Collector Hearing. The county tax assessor-collector must hold a hearing before requiring the applicant to seek legal title through a county court. If the applicant requests a hearing after the determination by VTR, they should submit the request to the county tax assessor-collector's office with an application for Texas title, evidence of ownership, and a copy of the department's letter advising that the applicant does not have sufficient evidence to obtain a title.

Holding a Hearing

Upon receiving an application for a hearing, the county tax assessor-collector's office then notifies VTR of the date set for the hearing. This date should not be earlier than the 11th day or later than the 15th day from the date of receipt of the request for the hearing. (It is not necessary for the county tax assessor-collector's office to resubmit the title papers to VTR with the notification.) If requested by the county tax assessor-collector's office, the department sends a representative to attend the hearing in defense of its actions.

Note: Counties should mail notifications of hearings to their local TxDMV Regional Service Center.

1. The county tax assessor-collector's office sets the date for a hearing and notifies all parties that might appear to have an interest in the vehicle in question, including the owner and lienholder of record, if any, so they may have an opportunity to appear at the hearing and protect their interest.
2. After hearing the evidence presented by all parties, the county tax assessor-collector may award ownership of the vehicle to the applicant by executing a written order. If awarded ownership, the owner should submit a formal application for Texas title and register the motor vehicle. Attach all evidence presented at the hearing to the order and submit it with the title application to the department. The department abides by this decision and issues title.

3. If the county tax assessor-collector's decision is not to overrule the department, they should notify the applicant by official letter signed by the county tax assessor-collector stating the applicant has five days to appeal this decision to the county court.

4. Transportation Code, §501.052 (e) provides that on an appeal from a county tax assessor-collector, a county judge shall try the appeal in the manner of other civil cases. As with other civil cases, the avenue of appeal is through a petition filed under the Rules of Civil Procedure.

5. The applicant must file a petition in county court. (Sample petitions and sample orders are available from the department by request.) The applicant must notify VTR of the proceedings as well as any other interested party, including the recorded owner and any lienholder of record. Legal notices and process may be served informally by first-class mail to the Office of General Counsel, Texas Department of Motor Vehicles Austin, Texas or, if requested in advance, by fax.

Note: Regional Service Centers, are not authorized to accept citations on behalf of the department.

6. On receipt of a properly filed petition, the department's Office of General Counsel files an Answer to the Court explaining any irregularities and ensures that relevant parties are notified so they may intervene to protect their interests if they wish to do so, before a final order or judgment is issued. The department does not represent any person's interest in these cases.

7. It is the department's position that if we receive an order and have no record of being served with a petition, we cannot comply with the terms.

8. If the county court reverses the county tax assessor-collector's decision, VTR accepts the application for Texas title supported by a certified copy of the court order. If a recorded lienholder is not made a party to the suit and the court order does not vest title free and clear of all liens, then the applicant must attach a release of the recorded lien to the title transaction.

Documentation Lacking for Title Issuance

An applicant is also entitled to a hearing in cases when a county tax assessor-collector's office determines proper documentation is lacking for title issuance. The county tax assessor-collector's office provides the applicant with a Notice of Title Rejection indicating the evidence needed to complete their transaction. If the applicant cannot obtain the evidence, they may appeal the decision by requesting a tax collector hearing.

Hearings after Department Rejection

An applicant is also entitled to a hearing in cases when VTR rejects an application for Texas title after it is filed with the county tax assessor-collector's office. If the applicant is unable to secure the necessary evidence to satisfy the rejection and requests the county tax assessor-collector to hold a hearing, the county tax assessor-collector's office then returns

the rejected application for Texas title and all supporting evidence to VTR with notification of the date set for the hearing. The department then reviews the evidence. If VTR finds sufficient evidence, they notify the county tax assessor-collector's that the title shall issue. Otherwise, follow the hearing procedure in Holding a Hearing.

Note: When a vehicle's serial number or VIN has been removed, altered, or obliterated, the owner may apply to VTR or a court for a new identification number. Refer to Assignment of Identification Number by Department.

8.3 Bonded Title

Transportation Code Section 501.053

(a) As an alternative to the procedure provided by Section 501.052, the person may obtain a title by filing a bond with the department if the vehicle is in the possession of the applicant and:

(1) there is no security interest on the vehicle;

(2) any lien on the vehicle is at least 10 years old; or

(3) the person provides a release of all liens with bond.

(b) The bond must be:

(1) in the manner prescribed by the department;

(2) executed by the applicant;

(3) issued by a person authorized to conduct a surety business in this state;

(4) in an amount equal to one and one-half times the value of the vehicle as determined by the department, which may set an appraisal system by rule if it is unable to determine that value; and

(5) conditioned to indemnify all prior owners and lienholders and all subsequent purchasers of the vehicle or persons who acquire a security interest in the vehicle, and their successors in interest, against any expense, loss, or damage, including reasonable attorney's fees, occurring because of the issuance of the title for the vehicle or for a defect in or undisclosed security interest on the right, title, or interest of the applicant to the vehicle.

(c) An interested person has a right of action to recover on the bond for a breach of the bond's condition. The aggregate liability of the surety to all persons may not exceed the amount of the bond.

(d) A bond under this section expires on the third anniversary of the date the bond became effective.

(e) The board by rule may establish a fee to cover the cost of administering this section.

Filing of Bond as Alternative to Hearing

The provisions of Transportation Code Section 501.053 provide an alternative to a tax collector's hearing. Under this section, the department may issue a certificate of title in instances when a person interested in a motor vehicle that the department has refused to issue a certificate of title, or that the department has suspended or revoked a Texas certificate of title, files a surety bond with the department. The bond must be in the form prescribed by the department and completed by the applicant and by a person authorized to conduct a surety business in this State. In order to determine qualifications (refer to Initial Requirements and Final Requirements) for a surety bond, the title applicant is required to complete a *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF).

Initial Requirements

An applicant must meet one of the requirements listed below in order to pursue the bonded title procedure.

- The title applicant is a Texas resident or military personnel stationed in Texas, or
- The title applicant is not a Texas resident, but a registration and title verification indicates that a Texas title record exists on the vehicle, and is the latest record of title for the vehicle. A bonded title may be applied for by the out of state resident in any county tax assessor-collector’s office.

Final Requirements

If the title applicant meets one of the requirements of the Initial Requirements above, the subject vehicle must meet all of the following applicable requirements:

- The vehicle must be subject to the Texas Certificate of Title Act, Transportation Code Chapter 501.
- The vehicle must be eligible to be registered and/or titled in Texas and is in the possession of, and legally controlled by, the title applicant.
- If the applicant is a Texas resident, but the evidence indicates the vehicle is an out of state vehicle, the applicant must provide VIN verification by providing a completed Vehicle Inspection Report, or *Law Enforcement Identification Number Inspection* (Form VTR-68-A). If the bonded title application is for “Title Only,” the VIN verification is still required.

Ineligible Transactions

Circumstances that do not fall under the provisions of Transportation Code Section 501.053 because there are other statutory or judicial remedies available are:

- Vehicles subject to any of the provisions of the Transportation Code Chapter 683, Abandoned Motor Vehicles (i.e., abandoned vehicles, junked vehicles issued a Certificate of Authority, vehicles declared a public nuisance, vehicles left at parking facilities, etc.).
- Vehicles on which a person holds storage or mechanic's charges under the provisions of Occupations Code, Chapter 2303 or Property Code, Chapter 70, unless it involves an innocent purchaser.

- Stolen vehicles.
- Vehicles involved in ownership litigation.
- Applicant is unable to provide proof of compliance with U. S. Department of Transportation safety requirements for a vehicle that was not manufactured for sale or distribution in the United States.
- Export only vehicles.

Review of Evidence

Upon initial contact at a Regional Service Center by a title applicant requesting a review of evidence of ownership, the applicant must complete a *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF) explaining how and from whom the vehicle was obtained.

If it is determined from the explanation that the circumstances addressed fall under the conditions of Ineligible Transactions the applicant must follow the remedy available for that particular circumstance.

If the explanation does not address any of the conditions of Ineligible Transactions but does address at least one of the requirements of paragraph Initial Requirements and all applicable requirements of Final Requirements, the TxDMV Regional Service Center examines the evidence of ownership. In addition to examining the evidence, Regional Service Center personnel obtain the necessary information on the subject vehicle before issuing a rejection letter.

- VTR searches the motor vehicle database for a title and registration verification. (The VIN is the primary means of access.)
- VTR searches NMVTIS for vehicle brands. Any brand applied by another state will be carried forward to the Texas record. Junk/Salvage/Insurance information as reported to NMVTIS is not considered for branding a Texas title.

Note: If no record is found and it appears that the VIN is a non-USA (gray market) VIN, the applicant must provide proof of compliance with U. S. Department of Transportation safety requirements. (Refer to Chapter 19, "Imported Vehicles" for further details.)

- If the vehicle is registered and/or titled in another state, the applicant should make every effort to obtain a registration and title verification from such state before taking further action. However, due to the enactment of federal privacy laws (i.e., Driver Privacy Protection Act), many states do not provide this information to individuals or may only provide the information for certain uses.

Note: An out of state title that has a "Bonded Title" notation recorded should not carry forward to the Texas title.

Rejection Letter

If it is determined that the applicant is eligible for a bonded title, VTR provides a rejection letter which include the amount of the bond, the applicant's evidence and informs the title applicant of the options available to obtain title in their name.

Identification Requirement

An acceptable form of identification is required to obtain a TxDMV Rejection Letter. The acceptable identification to obtain a TxDMV Rejection Letter is the same as those required with an Application for Title. (See Chapter 6, "Application and Issuance of Motor Vehicle Title," Personal Identification Information for Obtaining Title).

Determining Vehicle Values

In accordance with Transportation Code Section 501.053, the amount of the bond must be equal to 1.5 times the value of the vehicle as determined by the department. This amount will appear in the rejection letter.

VTR determines the value using:

- The Standard Presumptive Value (SPV) from the TxDMV web site (www.txdmv.gov) as the primary source.
- If a SPV is not available, a national reference guide
- If a value is not available through one of the above, a licensed motor vehicle dealer or insurance adjuster may appraise the vehicle on a form provided by VTR.

The TxDMV Regional Service Centers incorporate the reasons for rejection into the rejection letter and prepare copies as a bcc: (blind courtesy copy) to the owner and lienholder of record if applicable. The mailing addresses are obtained from the printout of the latest Texas title and registration verification, the out of state verification, or other supporting evidence.

Note: VTR may not provide a printout of the record to the applicant (attached to the rejection letter or otherwise) unless the applicant completes a *Request for Texas Motor Vehicle Information* (Form VTR-275) and certifies, by initialing, that the intended use of the information is for one of the permitted uses and pays the applicable fee.

Vehicle Value Undetermined

If VTR cannot determine the value of the vehicle from the reference material and the title applicant does not wish to submit an appraisal to the Regional Service Center, advise the applicant that they must obtain all acceptable ownership and transfer documents or pursue a tax collector hearing or court order.

Brands and Remarks

The department utilizes the NMVTIS Web Interface to research a vehicle's history. When NMVTIS indicates a state has applied a brand or remark which Texas would apply to a vehicle, it is notated on page 2 of the *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF) in the "FOR DEPARTMENT USE ONLY" section. Apply all brands as indicated by the Regional Service Center on page 2 of the *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF).

Note: Only brands or remarks applied by another state may be applied to a Texas record. When NMVTIS indicates a value affecting brand reported by an Insurance or Salvage entity, Texas cannot assume the vehicle actually met the statutory definition to be branded, therefore TxDMV Regional Service Centers give no consideration to these types of notations in NMVTIS. All brands/remarks indicated on the reverse of the *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF) are state applied brands or remarks.

Liens

Effective September 1, 2013, new restrictions apply to applications for bonded titles. A person may file an application for a bonded title if the vehicle is in the possession of the applicant, and either there is no lien recorded on the vehicle record or the recorded lien on the record is 10 or more years old.

A TxDMV rejection letter will be issued when TxDMV resources indicate a recorded lien of less than 10 years old and all other eligibility requirements listed on the *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF) are met. This TxDMV rejection letter will contain a statement that the bonding company is responsible for ensuring a release of lien(s) is attached or certifying that the lien(s) have been satisfied.

When no liens exist, or if the recorded liens are 10 or more years old, and all other eligibility requirements as listed on the *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF) are met, a standard TxDMV rejection letter is issued without this certification.

An applicant is not required to provide the release of lien(s) or letter(s) of no interest when applying at the county tax assessor-collector's office.

Suspended or Revoked Existing Titles

In situations where the title applicant desires to pursue the bonded title procedure because VTR has suspended or revoked an existing title, upon written request from the title applicant, the Regional Service Center should contact the VTR Austin Headquarters to determine the office responsible for the suspension or revocation.

Upon such contact, VTR determines whether or not the bonded title procedure is available to the title applicant. (Refer to Initial Requirements, Final Requirements, and Ineligible Transactions.)

If the bonded title procedure is available, the Regional Service Center prepares the rejection letter necessary to purchase a bond and:

- indicates the amount of bond in the space provided on the rejection letter
- completes and encloses a rejection list with each rejection letter, and
- sends a copy of the rejection letter to the owner and lienholder of record and any other interested parties, if applicable, via first class mail. Prepare such copies as a bcc: (blind courtesy copy) to the owner and lienholder. The mailing addresses are obtained from the printout of the latest Texas title and registration verification, the out of state verification, or other supporting evidence. Send a blind courtesy copy to the office responsible for the suspension or revocation for filing in the suspension or revocation file.

If the bonded title procedure is not available, advise the applicant that a county tax assessor-collector hearing or court order must resolve the matter.

County Processing

When the county tax assessor-collector's office receives a bonded title transaction, examine the transaction for completeness and ensure that the surety bond is correct. The bond must be the *Certificate of Title Surety Bond* (Form VTR-130-SB) or must contain the exact wording. The county tax assessor-collector's office should verify that:

- the bond contains a "Bond Number";
- the bond has been issued for an amount that is equal to or greater than the amount determined by VTR;
- all vehicle information is correct;
- the bond is signed and dated by both the principal (applicant) and an agent for the surety company;
- the bond contains the surety company's seal (embossed, stamped, digitized or affixed);
- no more than 30 days has elapsed since the effective date of the bond (note the date received on the application); and the name of the applicant is the same as the principal on the bond.

When processing a bonded title application for a vehicle that has a lien less than 10 years old indicated on the record, the county tax assessor-collector's offices must require that a release of lien or certification by a bonding company that any lien(s) have been satisfied is attached to a valid bond. To certify that a lien(s) has been satisfied, a bonding company must complete the certification at the bottom of page 2 of the TxDMV rejection letter.

When no liens exist, or if the recorded lien(s) are 10 or more years old, and all other eligibility requirements listed on the *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF) are met and the applicant has presented a valid bond, the county tax assessor-collector's offices will process the title application.

When processing a bonded title application, and no previous owner information is available "Unknown" should be entered into the previous owner and city fields. "TX" should be entered into the state field, unless supporting documentation provides at least the state from where the vehicle originated and is supported by the appropriate out of state documentation.

Late Transactions

Transactions received more than 30 days after the effective date of the bond may not be accepted. Instruct the title applicant that they must include a bond amendment (rider) or an original surety bond extending the bond for the expired period before the transaction is acceptable. The agent for the surety company must sign this amendment. (Refer to the letter in the transaction to verify the appropriate bond amount.) If the transaction does not include the letter, which established the bond amount, do not accept the transaction and instruct the title applicant to contact the appropriate Regional Service Center to secure a letter, which establishes the amount of bond.

Required Documentation

Applicants must support bonded title transaction by the following documentation when filing with the county tax assessor-collector's office:

- VTR's letter establishing the amount of bond with all enclosures noted and attached. The date on the letter may not exceed one year from the date of filing. At a minimum the enclosures must include the original *Bonded Title Application or Tax Collector Hearing Statement of Fact* (Form VTR-130-SOF) and the documents used to establish the bond amount (i.e., photocopies or printouts of the applicable reference pages or the original appraisal of the vehicle);
- The properly completed original surety bond, and, if applicable, an original or certified copy of the power of attorney and/or an original bond amendment;

Note: VTR accepts electronic signatures on a Surety Bond POA if the POA also includes an embossed or digital seal. All other POA's must have original signatures or be certified as a "true and correct copy of the original." The Certificate of Title Surety Bond must include original signatures.

- Verify the VIN. If the vehicle was last titled and/or registered out of state, a Vehicle Inspection Report or *Law Enforcement Identification Number Inspection* (Form VTR-68-A) is required (even if the applicant is applying for a "Title Only"); and
- Valid proof of financial responsibility in the applicant's name.

Fee Collection

If the transaction is complete and received within 30 days of the effective date of the bond or the bond amendment, counties should collect all applicable fees and issue a *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS).

Assemble the Transaction

Assemble in accordance with Chapter 2, Section 2.6 Title Transaction Documents - Assembly Procedures.

Surety Bonds Expires

The original surety bonds are effective for a three year period from the effective date of the bond. If during the three-year period VTR receives a judgment payment notice from a surety company, the owner must obtain a new bond covering the remainder of the three year period.

When the three year period has elapsed and if VTR has not been notified of pending action to recover on said bond:

1. The customer may contact a Regional Service Center to request the Bonded Title remark be removed.
2. The Regional Service Center will verify that the bond is over three years old and send a request to Vehicle Data Management (VDM) to request the remark be removed.
3. The Regional Service Center will notify the customer once the remark has been removed.

Once the remark has been removed from the record, the customer may file an application for original title at their county tax assessor-collector's office or obtain a Certified Copy of Texas Title from a Regional Service Center. The applicable fee for either option must be paid.

Lost Bonded Title Transactions

Follow the lost transactions procedures outlined in Chapter 6, "Application and Issuance of Motor Vehicle Title" if bonded title transactions are lost en route from the county tax assessor-collector's office to the Vehicle Titles and Registration Division. In either case, the title applicant must submit another surety bond, labeled "DUPLICATE" but must contain original signatures of the principal and the agent for the surety company.

Receivership or Liquidation of Surety Company

If a surety company should go into receivership or liquidation before the surety bond expires, they must notify VTR of such action.

1. Upon receipt of such notification, VTR checks on the status of the certificate of title surety bonds issued by the surety company by contacting the person named in the notification for such information. Additionally, they contact the Texas Department of Insurance to advise that the department has received notification of receivership/liquidation and to inquire about surety bond status. If the surety bond status inquiry reveals "CANCELED," the department obtains a title and registration verification for each vehicle bonded by the surety company named in the notification and proceeds with step 2.

2. VTR notifies the owner of record by certified mail (return receipt requested) that the certificate of title has been suspended due to the cancellation of the original surety bond, which was obtained to secure a certificate of title. VTR enters a suspension notation against the applicable title record. The title suspension is not removed until the owner of record secures a surety bond on the applicable vehicle for the remainder of the three year period for the amount designated on the original surety bond and submits the new surety bond to VTR.
3. Upon receipt of the surety bond issued for the remainder of the three year period, the department examines the bond for proper completion. If the surety bond is properly completed, VTR acknowledges receipt of the original surety bond, and removes the suspension notation from the applicable title record.

8.4 Denial for Failure to Provide Proof of Emissions Testing

Transportation Code Section 501.0276

A county assessor-collector may not issue a title receipt and the department may not issue a title for a vehicle subject to Section 548.3011 unless proof that the vehicle has passed a vehicle emissions test as required by that section, in a manner authorized by that section, is presented to the county assessor-collector with the application for a title.

Requirement, Proof, and Exemptions

Refer to Chapter 9, Section 9.6 Emissions Test on Resale.

8.5 Denial for Safety Responsibility Suspension

Transportation Code Section 601.006

If an owner or operator of a motor vehicle involved in an accident in this state does not have a driver's license or vehicle registration or is a nonresident, the person may not be issued a driver's license or registration until the person has complied with this chapter to the same extent that would be necessary if, at the time of the accident, the person had a driver's license or registration.

The Safety Responsibility Act provides that a person cannot legally operate a motor vehicle in Texas without liability insurance coverage. Owners must present valid proof of liability insurance coverage to receive or renew:

- Motor vehicle registration
- Driver's license, and
- Vehicle safety inspection

Acceptable evidence of proof may be an original or photocopy of one of the following:

- a liability insurance card
- an insurance policy
- an insurance binder, or
- a certificate of self-insurance.

The Department of Public Safety administers the Safety Responsibility Act. However, this Act is closely related to the Certificate of Title Act in that the Vehicle Titles and Registration Division maintains the only complete records of registration and title for motor vehicles in the State. These records must be available to record the suspension of registration and title. If the Department of Public Safety suspends the registration of any motor vehicle, such suspension automatically suspends the title. The department records the notation “Safety Responsibility Suspension” in the vehicle’s motor vehicle record.

- If a person purchases a motor vehicle with suspended registration, that person may file an application for Texas title supported by an assigned Texas title along with a *Safety Responsibility Affidavit* (Form SR39). This must state that they have acquired the vehicle in good faith for their own use and benefit, and not for the purpose of aiding the prior registered owner to defeat the purpose of the Texas Safety Responsibility Act. Record the SR case number on the form, but the department does not reject the transaction if it does not appear.
- If a motor vehicle on which a suspension has been placed was transferred prior to the date of suspension, VTR may accept an application for Texas title on the vehicle provided the title transaction is in proper order.
- Any transfer of a motor vehicle by operation of law (repossession affidavit, court order, affidavit of heirship, sheriff's bill of sale, etc.) automatically lifts the suspension against the motor vehicle.
- Owners may file an application for corrected certificate of title (no transfer of ownership involved) on a motor vehicle that has a Safety Responsibility Suspension against it.
- VTR may issue a Certified Copy of a Texas Certificate of Title on a suspended vehicle.
- If a motor vehicle with suspended registration is transferred, the applicant may secure a duplicate license receipt either from the county in which the vehicle was registered or from the department. In the event current license plates have been removed, the applicant may secure a set of replacement plates from the county tax assessor-collector’s office. (This is necessary because the registration receipt and the license plates of any suspended vehicle are required to be surrendered to the Department of Public Safety.) A request to the department for a duplicate license receipt should include the papers showing transfer by operation of law (such as repossession affidavit or affidavit of heirship) or a *Safety Responsibility Affidavit* (Form SR39). When the department issues the receipt, it returns the surrendered papers to the applicant for later attachment to the application for Texas title.

Chapter 9

TRANSFER OF OWNERSHIP

This chapter contains the following sections:

- ***9.1*** Definition
- ***9.2*** Sale of Vehicle; Transfer of Title
- ***9.3*** Title Assignments
- ***9.4*** Dealer Assignments
- ***9.5*** Filing By Purchaser; Application For Transfer Of Title
- ***9.6*** Emissions Test on Resale
- ***9.7*** Delivery of Title to Purchaser of Used Motor Vehicle
- ***9.8*** Vehicle Transfer Notification
- ***9.9*** Violations and Penalties

9.1 Definition

Transportation Code Section 501.002 (8)

"First sale" means:

> *(A) the bargain, sale, transfer, or delivery of a motor vehicle that has not been previously registered or titled, with intent to pass an interest in the motor vehicle, other than a lien, regardless of where the bargain, sale, transfer, or delivery occurred; and*
>
> *(B) the registration or titling of that vehicle.*

The first title application filed with the county tax assessor-collector's office, supported by a Manufacturer's Certificate of Origin (MCO), represents the first sale of a motor vehicle. The date the title receipt is issued is the date the vehicle becomes a used vehicle. A dealer may not register a new vehicle without applying for title in the dealer's name.

9.2 Sale of Vehicle; Transfer of Title

Transportation Code Section 501.071

> *(a) Except as provided in Section 503.039, a motor vehicle may not be the subject of a subsequent sale unless the owner designated on the title submits a transfer of ownership of the title.*
>
> *(b) The transfer of the title must be in a manner prescribed by the department that:*
>
> > *(1) certifies the purchaser is the owner of the vehicle; and*
> >
> > *(2) certifies there are no liens on the vehicle or provides a release of each lien on the vehicle.*

The reverse side of a Texas Certificate of Title provides an assignment and several reassignments of title for transfer of ownership. The first assignment (or transfer) of title is properly executed when the purchaser's name and address are shown, and the seller signs and dates the assignment of title. The assignments also include a statement as to the vehicle's odometer reading at the time of transfer. The seller and purchaser must be complete and sign the odometer statement, if applicable.

When signed by the seller, the wording provided on each assignment on a Texas Certificate of Title constitutes a statement that the motor vehicle described on the title is free of all liens and encumbrances except those liens noted on the title or fully described in an attached statement.

When a dealer completes an assignment, the dealer is required by law to include a separate statement describing any security interest agreement (floor plan lien) that might cover the vehicles in inventory. However, since the Business and Commerce Code provides that a buyer of a vehicle in inventory in the ordinary course of business takes title free and clear of any security interest agreement, a release of this type lien is not required. Furthermore, if such a statement is not attached, the department accepts the transaction and assumes that the vehicle is free of all liens.

A lien noted on the face of a title must be either released or carried forward to the new application and title, unless the vehicle was repossessed.

Sale or Offer without Title Receipt or Title

Transportation Code Section 501.152

(a) Except as provided by this section, a person commits an offense if the person:

(1) sells, offers to sell, or offers as security for an obligation a motor vehicle registered in this state; and

(2) does not possess the title receipt or certificate of title for the vehicle.

(b) It is not a violation of this section for the beneficial owner of a vehicle to sell or offer to sell a vehicle without having possession of the title to the vehicle if the sole reason he or she does not have possession of the title is that the title is in the possession of a lienholder who has not complied with the terms of Section 501.115(a) of this code.

No person in this State may offer for sale any motor vehicle registered out of state without having in his or her possession a title (or registration receipt if the motor vehicle is from a non title state).

9.3 Title Assignments

Joint Ownership

When one of the joint owners desires to sell to the other, only the seller needs transfer.

Bills of Sale

Refer to Section ***10.3*** Bill of Sale.

Attorneys and Executors

When an attorney in fact, executor, administrator, etc assigns the title, that person must sign in such a manner as to clearly indicate for whom they are signing; and their authority to sign must accompany the assignment and attached to the transaction (Refer to Chapter 16, “Operation of Law”).

Repossessions

On repossessions from a recorded lien, the lienholder must use the first assignment on the certificate of title. A lienholder that is a dealer cannot, in this case, use the *Dealer’s Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

On repossession from a security agreement (lien not recorded on title), the lienholder (dealers included) in all cases, must file application and receive title in their name before proceeding to transfer. (Refer to Transportation Code Section 501.074.)

In a voluntary repossession in which the owner assigns the title to the lienholder, the lienholder must secure title in their name unless they hold a current dealer license number or unless a repossession affidavit is attached. In either case, the lienholder may use the reassignment of title. However, if there is any indication of repossession in the transaction, a repossession affidavit must be attached.

Court Orders

The person to whom ownership of a vehicle is vested by a court order may assign the certificate of title.

Judicial Bill Of Sale

A receiver may give a completed judicial bill of sale to a subsequent purchaser or assign the certificate of title.

Abandoned Vehicles

The purchaser, as shown on a Sheriff's, Constable's, or U. S. Marshal's Bill of Sale, Mechanic's or Storage Lien Bill of Sale, or Auction Sales Receipt for an abandoned vehicle, must secure title in their name; however, if the purchaser is a dealer, they may use the *Dealer’s Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

Purchase and Merger of Firms

When a firm takes over the business of a second firm by purchase or by merger, the certificate of title covering any motor vehicle owned by the second firm may be transferred to the surviving firm or to a subsequent purchaser by assigning the title as “Successor to (other firm)” or as “Formerly (other firm).” The new owner must then apply for transfer of title.

When one corporation purchases or merges with another corporation, it is understood that in the purchase of the corporation, all property of the original corporation is sold or merged with the surviving corporation; and no further transfer of title is necessary. In these cases, the corporation can file an application for corrected title to record the name of the corporation owner. A negotiable Texas title and a verification of the merger from the Secretary of State must support the application.

9.4 Dealer Assignments

Dealer's Reassignment of Title for a Motor Vehicle (Form VTR-41-A) has been designed exclusively for use by licensed Texas dealers. All reassignments must be in consecutive order regardless of whether they are completed on the back of the title or on a separate Form VTR-41-A. Furthermore, each dealer must show their current dealer license number. A licensed dealer may use Form VTR-41-A after the dealer has taken assignment of the vehicle from the owner listed on the certificate of title even if all reassignments on the certificate of title are not complete. If a dealer uses a Form VTR-41-A, when open reassignments remain available on a certificate of title, the dealer must write in the next available reassignment on the certificate of title "REASSIGNMENT ON ########" where ######## represents the control number of the Form VTR-41-A. This applies to Texas and out of state certificates of title.

The dealer's name on each reassignment must agree with the name on the dealer license. If the dealer's name on an assignment does not agree with the dealer license, the dealer may correct the name when reassigning the title by showing the incorrect name followed by the letters DBA (doing business as) and the correct dealership name. For example, if the title is assigned to "Joe Doaks" and the correct dealership name is "J D Auto Sales", the name of the seller on the reassignment of title should show "Joe Doaks DBA J D Auto Sales." In addition, the dealer must provide an affidavit certifying the person named on the assignment is an agent/employee of the dealership.

If a Texas Certificate of Title is issued in the name of a licensed dealer, assignment must be made on the back of the title to transfer ownership; but the first retail purchaser must secure title in their name.

Rules

A licensed dealer may use a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) under the following rules:

- No dealer may use a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) unless they have a current Texas dealer license. They must show the dealer license number in its proper place.
- In the event all the reassignments are used on the back of a Manufacturer's Certificate of Origin (MCO) or a Texas Certificate of Title issued after April 29, 1990, a licensed dealer may make further reassignments of a vehicle by completing a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A). However, only a licensed franchised dealer may reassign a Manufacturer's Certificate of Origin (MCO).
- All reassignments on the title and the reassignments on the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) must contain original signatures.

- Dealers must provide a statement of fact for any alteration or erasure on the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).
- Dealers must use the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) when all assignments are complete on a Texas title. They may show exempt in the odometer disclosure field.

9.5 Filing By Purchaser; Application For Transfer Of Title

Transportation Code Section 501.145

(a) Not later than the later of the 30th day after the date of assignment on the documents or the date provided by Section 152.069, Tax Code, the purchaser of the used motor vehicle shall file with the county assessor-collector:

(1) The certificate of title or other evidence of title; or

(2) if appropriate, a document described by Section 502.457 and the title or other evidence of ownership.

(b) The filing under Subsection (a) is an application for transfer of title as required under this chapter and an application for transfer of the registration of the motor vehicle.

(c) Notwithstanding Subsection (a), if the purchaser is a member of the armed forces of the United States, a member of the Texas National Guard or of the National Guard of another state serving on active duty under an order of the president of the United States, or a member of a reserve component of the armed forces of the United States serving on active duty under an order of the president of the United States, the documents described by Subsection (a) must be filed with the county assessor-collector not later than the 60th day after the date of assignment of ownership.

Transfer Fee; Late Fee

For information relating to the delinquent transfer penalty, refer to Chapter 3, Section 3.2 Delinquent Transfer Penalty.

9.6 Emissions Test on Resale

Transportation Code Section 548.3011

(a) This section applies only to a vehicle:

(1) the most recent certificate of title for which or registration of which was issued in a county without a motor vehicle emissions inspection and maintenance program; and

(2) the ownership of which has changed and which has been the subject of a retail sale as defined by Section 2301.002, Occupations Code.

(b) Notwithstanding Subsection (a), this section does not apply to a vehicle that is a 1996 or newer model that has less than 50,000 miles.

(c) A vehicle subject to this section is not eligible for a title receipt under Section 501.024, a certificate of title under Section 501.027, or registration under Chapter 502 in a county with a motor vehicle emissions inspection and maintenance program unless proof is presented with the application for certificate of title or registration, as appropriate, that the vehicle, not earlier than the 90th day before the date on which the new owner's application for certificate of title or registration is filed with the county clerk or county assessor-collector, as appropriate, has passed an approved vehicle emission test in the county in which it is to be titled or registered.

(d) The proof required by Subsection (c) may be in the form of a Vehicle Inspection Report (VIR) or other proof of program compliance as authorized by the department.

Affected County (or non-attainment)

Affected county (or non-attainment) refers to any county with a motor vehicle emissions inspection and maintenance (I/M) program.

Emissions Test on Resale

Emissions test on resale refers to an emissions test performed on a vehicle coming into an affected county (non-attainment) from another county within the state which does not have an I/M program (non-affected county or attainment) where the ownership has changed as the result of a retail sale and a registration and/or titling change is necessary. The emissions test is not required on:

- a vehicle that is a 1996 or newer model that has less than 50,000 actual miles, or
- "title only" transaction (Transportation Code Section 501.0275).

Transportation Code Section 548.3011 provides that the county tax assessor-collector or department may not issue a registration, title receipt, or certificate of title unless the applicant provides proof that the vehicle has passed a vehicle emissions test in the affected county.

Note: Emission restrictions do not apply to "Title Only" applications.

Proof of Compliance

Acceptable proof of compliance with the vehicle emissions testing program:

- Vehicle Inspection Report (VIR) with a "Pass" notation (valid for 90 days after date of issuance).
- Vehicle Emissions Waiver/Time Extension (VIE-5)
- Parts Availability Time Extension (VIE-9)
- Affidavit (VIE-12)

Exemption

Vehicles are exempt from the vehicle emissions inspection and maintenance program if the vehicle operates in the county with an emissions program for fewer than 60 days during the registration period for which the registration is issued.

The owner of a motor vehicle may obtain an exemption from the vehicle emissions test requirements by providing the county tax assessor-collector's office with a waiver provided by a state authorized safety inspection station.

9.7 Delivery of Title to Purchaser of Used Motor Vehicle

Transportation Code Section 501.0721

A person, whether acting for that person or another, who sells, trades, or otherwise transfers a used motor vehicle shall deliver to the purchaser at the time of delivery of the vehicle a properly assigned title or other evidence of title as required under this chapter.

If an unregistered vehicle is sold, the purchaser (whether an individual, dealer, or subsequent retail purchaser) is not required to pay registration fees back to the date of the sale. The registration starts with the month the current owner files the application for Texas title, unless apprehended. (For further discussion, refer to the TxDMV Motor Vehicle Registration Manual.)

A motor vehicle is not required to be registered at the time it is sold. For Further information see Title Only.

9.8 Vehicle Transfer Notification

Transportation Code Section 501.147

(a) On receipt of a written notice of transfer from the seller of a motor vehicle, the department shall indicate the transfer on the motor vehicle records maintained by the department. As an alternative to a written notice of transfer, the department shall establish procedures that permit the seller of a motor vehicle to electronically submit a notice of transfer to the department through the department's Internet website. A notice of transfer provided through the department's Internet website is not required to bear the signature of the seller or include the date of signing.

(b) The notice of transfer shall be provided by the department and must include a place for the seller to state:

(1) a complete description of the vehicle as prescribed by the department;

(2) the full name and address of the seller;

(3) the full name and address of the purchaser;

(4) the date the seller delivered possession of the vehicle to the purchaser;

(5) the signature of the seller; and

(6) the date the seller signed the form.

(c) This subsection applies only if the department receives notice under Subsection (a) before the 30th day after the date the seller delivered possession of the vehicle to the purchaser or in accordance with Section 152.069, Tax Code. After the date of the transfer of the vehicle shown on the records of the department, the purchaser of the vehicle shown on the records is rebuttably presumed to be:

(1) the owner of the vehicle; and

(2) subject to civil and criminal liability arising out of the use, operation, or abandonment of the vehicle, to the extent that ownership of the vehicle subjects the owner of the vehicle to criminal or civil liability under another provision of law.

(d) The department may adopt rules to implement this section.

(e) This section does not impose or establish civil or criminal liability on the owner of a motor vehicle who transfers ownership of the vehicle but does not disclose the transfer to the department.

(f) The department may not issue a title or register the vehicle until the purchaser applies for a title to the county assessor-collector as provided by this chapter.

(g) A transferor who files the appropriate form with the department as provided by, and in accordance with, this section, whether that form is a part of a title or a form otherwise promulgated by the department to comply with the terms of this section, has no vicarious civil or criminal liability arising out of the use, operation, or abandonment of the vehicle by another person. Proof by the transferor that the transferor filed a form under this section is a complete defense to an action brought against the transferor for an act or omission, civil or criminal, arising out of the use, operation, or abandonment of the vehicle by another person after the transferor filed the form. A copy of the form filed under this section is proof of the filing of the form.

Notification of Vehicle Transfer

When a vehicle is sold or transferred, the recorded owner(s) shown on the certificate of title may voluntarily notify the department of the sale by completing a *Texas Motor Vehicle Transfer Notification* (Form VTR-346). The department must receive the form within 30 days of the date of sale for the buyer to be presumed to be the owner for liability purposes. If received later than 30 days after the date of sale, the department accepts the notification and records the sale date, but the seller may not be afforded the liability protections provided in law.

The seller may submit a *Texas Motor Vehicle Transfer Notification* (Form VTR-346) in the following ways:

- Electronically through the department's website (www.txdmv.gov/).
- By mail to the following address:

  Vehicle Titles and Registration Division
  Texas Department of Motor Vehicles
  P.O. Box 26417
  Austin, TX 78755-0417

- In person to a TxDMV Regional Service Center

A recorded owner may submit a written request to the department to mark its records to indicate the transfer. A written request must include all information required as shown above in subsection (b) of Transportation Code Section 501.147.

Note: All requested information on the form must be complete. The date shown as the date the vehicle was sold on the *Texas Motor Vehicle Transfer Notification* (Form VTR-346) cannot be prior to the date the existing title was issued.

Upon receipt of a *Texas Motor Vehicle Transfer Notification* (Form VTR-346), submitted either by mail or electronically, or written request properly completed by the recorded owner(s), the department marks the vehicle record with the date of transfer and the notation "Vehicle Transferred". The department maintains records of the notification of transfer to provide the name and address of the purchaser/transferee, upon request.

The motor vehicle title record remains in the name of the last recorded owner(s) until a properly completed application for Texas title is filed through a county tax assessor-collector's office by the transferee and the new certificate of title is issued by the department.

9.9 Violations and Penalties

Sales in Violation of Chapter

Transportation Code Section 501.073

A sale made in violation of this chapter is void and title may not pass until the requirements of this chapter are satisfied.

Execution of Transfer Documents; Penalty

Transportation Code Section 501.161

(a) A person who transfers a motor vehicle in this state shall complete in full and date as of the date of the transfer all documents relating to the transfer of registration or title. A person who transfers a vehicle commits an offense if the person fails to execute the document in full.

(b) A person commits an offense if the person:

(1) accepts a document described by Subsection (a) that does not contain all of the required information; or

(2) alters or mutilates such a document.

(c) An offense under this section is a misdemeanor punishable by a fine of not less than $50 and not more than $200.

General Penalty

Transportation Code Section 520.016

(a) A person commits an offense if the person violates this subchapter in a manner for which a specific penalty is not provided.

(b) An offense under this section is a misdemeanor punishable by a fine of not less than $50 and not more than $200.

(c) This section does not apply to a violation of Section 520.006 or a rule adopted under Section 520.0071.

Chapter 10

EVIDENCE OF OWNERSHIP

This chapter contains the following sections:

- ***10.1*** Definitions
- ***10.2*** Manufacturer's Certificate of Origin (MCO)
- ***10.3*** Bill of Sale
- ***10.4*** Form 97, US Government Certificate to Title a Vehicle
- ***10.5*** Importer's Certificate
- ***10.6*** Registration and Military Registration Receipts
- ***10.7*** Miscellaneous Documents

10.1 Definitions

Transportation Code Section 501.002 (8) (14) (18)

"First sale" means:

(A) the bargain, sale, transfer, or delivery of a motor vehicle that has not been previously registered or titled, with intent to pass an interest in the motor vehicle, other than a lien, regardless of where the bargain, sale, transfer, or delivery occurred; and

(B) the registration or titling of that vehicle.

"Manufacturer" has the meaning assigned by Section 503.001.

Note: 503.001 (10) states "Manufacturer" means a person who manufactures, distributes, or assembles new vehicles.

"New motor vehicle" has the meaning assigned by Section 2301.002, Occupations Code

Note: Occupations Code 2301.002 (24) states "New motor vehicle" means a motor vehicle that has not been the subject of a retail sale regardless of the mileage of the vehicle.

10.2 Manufacturer's Certificate of Origin (MCO)

Transportation Code Section 501.025

A county assessor-collector may not issue a title receipt on the first sale of a motor vehicle unless the applicant for the title provides the application for a title and a manufacturer's certificate, in a manner prescribed by the department.

Required on First Sale

The only acceptable basic evidence under this Act to obtain a title for a new vehicle is a Manufacturer's Certificate of Origin (MCO).

Under the provisions of this Section, a MCO must accompany the application for a Texas title of a new vehicle that has never been the subject of a first retail sale (Transportation Code Section 501.002).

The department uses the Uniform Security-type MCO adopted by the American Association of Motor Vehicle Administrators (AAMVA). This form has space for assignments from manufacturer to distributor or dealer, distributor to dealer, dealer to dealer, dealer to retail purchaser. Assignment from a manufacturer directly to an individual is also permitted. The prescribed certificate of origin is a security type design incorporating unique printing techniques; the forms are available to manufacturers by only a limited number of vendors. For a list of vendors, contact a TxDMV Regional Service Center.

- A MCO is the birth certificate for a new motor vehicle, house trailer, trailer, or semitrailer. The manufacturer must issue one for each vehicle (Transportation Code Section 501.002).

Note: One manufacturer may import an incomplete vehicle into the United States for completion by a different manufacturer. As a result, the manufacturer's name at the top of the MCO is different from the vehicle make. For example, the MCO may show the manufacturer as Isuzu, the vehicle make as "Chev", and the body style as "Cab & Chassis." The assigned VIN properly identifies the year model and make as a Chevrolet, the *Application for Texas Title and/or Registration* (Form 130-U) must indicate an acceptable body style such as flatbed, panel, etc. These types of title transactions require:

- **A single MCO (acceptable as is),**
- **Acceptable body style on the *Application for Texas Title and/or Registration* (Form 130-U),**
- **A weight certificate,**
- **Proof of insurance.**

- Although security-type MCOs are not required for trailers requiring a title in Texas, VTR recommends the use of them, as other states may require security-type MCOs on all title transfers.
- A MCO to a motor vehicle which has been assigned to a franchised dealer (licensed to sell "new" motor vehicles of a specific "make") by another franchised dealer licensed to sell the same "make" does not constitute a first sale. However, if the franchised dealer to whom the MCO is assigned registers the vehicle, a first sale is constituted.
- A MCO for an off highway motorcycle, ATV, or UTV must have a statement that the vehicle is for off road use only.
- The first retail purchaser must file an application for a Texas title and secure a title in their name before transferring ownership to a subsequent purchaser.
- The information on the face of the MCO may be typewritten, printed or written in ink.
- Alterations or strikeovers are not acceptable on a MCO. A corrected MCO is required if the make, year model or VIN is omitted, incomplete or incorrect.

Required Information

Manufacturers must show the following information on the face of the manufacturer's certificate:

Manufacturer's Name

The name of the Manufacturer must always be included on the front of a MCO.

Date

The date the vehicle was transferred from the manufacturer.

Name and Address

This includes the name and address of the distributor, dealer, or person to whom issued.

Description of Vehicle

The description of the vehicle**:**

- Applicants must record the "make" shown on the manufacturer's certificate and on the vehicle on the application for Texas title.
- The year model is not always the same as the year made.

Note: Determine the year model from the vehicle identification number. However, in some cases, the VIN series does not reflect a true year model, such as the Mule. Therefore, base the correct year model on the actual date shown on the MCO, unless an actual year model is indicated on the MCO.

- The body type shown on the manufacturer's certificate must properly describe the vehicle.
- The vehicle identification number is the identifying number of all vehicles, beginning with 1956 models.

Weight

Note: As of June 17, 2013, there is no longer a Texas requirement that tonnage be listed on a Manufacturer's Certificate of Origin (MCO). Manufacturers are not required to remove the tonnage information from their MCOs; however, after June 17, 2013, any listing of tonnage on an MCO will not be used to title and register a vehicle in Texas.

Passenger

Use the shipping weight shown on the Manufacturer's Certificate of Origin (MCO) to determine the weight of new passenger vehicles, add 100 lbs., and figure the fee on the next even 100 lbs. For example, if the MCO shows the shipping weight as 6,415 lbs., the addition of 100 lbs. would result in a total of 6,515 lbs. When rounded off to the next highest hundred pounds, use 6,600 lbs. as the registration weight.

- If there is a question as to the correct weight of a particular vehicle, require the applicant to present a weight certificate from a Public Weigher.

- The weight shown on a weight certificate is acceptable as the registration weight of the vehicle. Do not add any weight to the figure shown on the weight certificate, but round it off to the next highest one hundred (100) lbs.
- If the weight of a vehicle is in question and the evidence of ownership for the vehicle is a manufacturer's certificate, do not lower the weight below the weight indicated without a corrected Manufacturer's Certificate of Origin (MCO). The shipping weight shown on the manufacturer's certificate is not the governing factor in registering commercial motor vehicles.

Commercial Vehicle

Commercial license fees are figured by the gross weight of the vehicle, if truck plates are being issued or by the combined gross weight of the truck or truck-tractor and semitrailer(s), if combination license plates are being issued. (Refer to the TxDMV Motor Vehicle Registration Manual.) To calculate the registration weight of a commercial motor vehicle, it is necessary to determine the vehicle's empty weight. The empty weight of a commercial vehicle (truck or truck-tractor) is the weight of the vehicle fully equipped with body, bed, and any other permanently attached equipment. Round up the weight to the next highest one hundred (100) lbs. and record it on the application for Texas title.

All commercial vehicles (truck or truck-tractors rated in excess of 10,000 lbs.) either manufactured in the U.S. or in a foreign country must carry a registration receipt that includes the vehicle weights (empty, carrying capacity, and gross weight).

Weight Certificate

VTR requires a weight certificate to support a title transaction under the following conditions:

- A weight certificate is required on all new commercial motor vehicles evidenced by a MCO when the carrying capacity is rated in excess of 10,000 lbs. by the manufacturer. If the gross vehicle weight is 10,000 lbs. or less, the shipping weight shown on the MCO is acceptable as the empty weight without a weight certificate.
- A weight certificate is required when the shipping weight is not shown on the MCO or the weight shown is for cab and chassis only.
- A weight certificate is required when it appears that extra equipment was added to a commercial motor vehicle after it left the manufacturer (for example, vehicles owned by telephone companies).
- A weight certificate is required on all commercial motor vehicles last registered out of state, except commercial motor vehicles having a gross vehicle weight of 10,000 lbs. or less. Determine the empty weight of a 10,000 lbs. or less out of state truck from the out of state registration receipt, or other vehicle specifications.

Note: There are great variations in the way weights are shown on out of state titles, use caution when accepting an out of state title as the basis for determining the empty weight of a vehicle. Some out of state titles show no weight, show the GVW (gross vehicle weight), unladen or empty weight, and "wt." In addition, when using any source to determine the empty weight, understand that there is a great variation in weights of pickups having the same make name.

- Optional class type vehicles, such as Sport Utility Vehicles, may register with passenger or truck registration, but must show a carrying capacity of at least 1,000 lbs. unless there is a Manufacturer's Rated Carrying Capacity.
- A weight certificate is required on all used commercial motor vehicles transferred from exempt agencies.
- When there is a dispute or question as to the correct empty weight of a vehicle, the department reserves the right, under Section 502.055, to require a weight certificate.

Acceptable Weight Certificates

A weight certificate can be acquired from:

- a Texas public weigher or,
- an out of state source if the vehicle was previously titled in another state or
- any License and Weight Inspector of the Texas Department of Public Safety.

The department requires public weighers to provide the following minimum specifications on the weight certificate:

- the date that the weight was taken;
- the name and address of company;
- the signature of the weigher; and
- the weight is mechanically printed (not hand written).

Acceptable out of state weight certificates should include comparable information. If the Texas or out of state weight certificate does not meet the above criteria, the county tax assessor-collector's office may require the owner to obtain a new weight certificate that satisfies these requirements.

House Trailers

The gross weight (actual weight including all furnishings and equipment) is used as the basis for determining registration fees for house trailers. The actual gross weight is rounded up to the next highest one hundred (100) lbs. For example, a house trailer with an actual gross weight of 4,445 lbs. registers at 4,500 lbs. Record the weight on the application for a title and on the registration receipt. If the gross weight does not appear on the Manufacturer's Certificate of Origin or if the weight shown on the manufacturer's certificate or other basic evidence appears to be incorrect, determine the weight by a weight certificate. If it is impracticable to request a weight certificate, use the following procedure to determine the gross weight of a house trailer:

- In instances when the trade name and model appear in the handbook "*Official Mobile Home Market Report*" use the weight indicated.

- If there is no listing in the handbook, obtain a signed statement as to the length and width of the house trailer from the owner. Then determine the gross weight by multiplying the length (to the nearest foot) by the width (to the nearest foot) to determine the square footage. Then multiply the result by 20 lbs. per square foot. For example, a house trailer measures 7 feet by 16 feet, results in 112 square feet. 112 multiplied by 20 lbs. results in a registration weight of 2,240 lbs.

Travel Trailers

Travel Trailers are registered according to the gross weight.

New or Out of State Travel Trailers

Show the empty weight or shipping weight as reflected on the evidence of ownership.

Enter a carrying capacity. Calculate the carrying capacity by subtracting the empty weight from the gross weight (Gross Weight – Empty Weight = Carrying Capacity).

If the gross weight does not appear on the MCO or out of state title, determine it by:

- a weight certificate; or
- using the following formula: Length x Width x 20 lbs. = Gross Weight.

Texas Transfers

Determine the gross weight by a weight certificate or use the following formula: Length x Width x 20 lbs. = Gross Weight. If the resulting gross weight amount:

- Is greater than the weight shown on the Texas title as the empty weight, then enter the difference of the two as the carrying capacity (Gross Weight – Empty Weight = Carrying Capacity).
- Is less than or equal to the weight shown on the Texas title as the empty weight, then the county tax assessor-collector’s office enters100 (minimum increment) pounds as the carrying capacity and disregard the calculated gross weight.

Motorcycles, Mopeds, Motor Scooters

These vehicles are registered according to an annual fee, which is not based on weight. Therefore, no vehicle shipping weight is required on either the MCO or on the application for Texas title.

Buses

A weight certificate is required on all new and out of state motor buses, city buses, privately owned buses, and all used buses transferred from an exempt agency. The owner must record the empty weight of a bus on the application for a title. The manufacturer must show the seating capacity (number of passengers) of a motor bus on the manufacturer's certificate and the operator must include this capacity on the application in the space for gross vehicle weight.

Note: If the transaction is accompanied by a second-stage Manufacturer's Certificate of Origin (MCO) from the firm making the conversion, VTR may waive the requirement of the photograph and weight certificate. However, if the weight certificate is waived, the weight of the completed vehicle must appear on the second-stage MCO; and the weight must be greater than the weight shown on the first-stage MCO.

Gross Vehicle Weight Rating (GVWR)

The chart below may be used as a guide for a minimum carrying capacity for trucks, based on the empty weight, if the owner or applicant cannot provide the vehicle's carrying capacity.

Table 10-1 Minimum Carrying Capacity for Trucks

Empty Weight or Shipping Weight	Minimum Carrying Capacity
6,000 lbs. or less	1,000 lbs.
6,001 - 7,500 lbs.	1,500 lbs.
7,501 - 10,000 lbs.	2,000 lbs.
10,001 - 14,000 lbs.	3,000 lbs.
14,001 - 16,000 lbs.	4,000 lbs.
16,001 - 19,500 lbs.	5,000 lbs.
19,501 - 26,000 lbs.	6,000 lbs.
26,001 - 33,000 lbs.	7,000 lbs.

A vehicle accompanied by a Manufacturer's Certificate of Origin (MCO) may be titled using the "Gross Vehicle Weight Rating" (GVWR), as shown on the MCO. The empty weight, or shipping weight, may be subtracted from the GVWR to obtain the carrying capacity. The gross weight of a vehicle should not exceed the GVWR on a MCO.

Signature of the Manufacturer's Agent

A signature is required on the front of the MCO. An authorized distributor may countersign the MCO. Cases where distributors countersign for the manufacturer are usually found on MCOs describing foreign made vehicles.

Back of Manufacturer's Certificate of Origin

The following is general information applying to the back of any MCO:

- If the dealer or individual to whom a MCO is issued to requests have the vehicle titled in their name, no further assignment is necessary.
- The name of purchaser should appear legibly on all assignments.
- VTR requires the Texas dealer license number on all assignments and reassignments of MCOs except, on assignments completed out of state and under the conditions in Transportation Code, Chapter 503. The selling dealer's name shown on the assignment must agree with the dealer's name as it appears on the dealer license receipt.
- Franchised dealers not franchised to sell that make of vehicle may not reassign a MCO.

- If a MCO is assigned by a franchised dealer to a non-franchised dealer (licensed to sell only used vehicles), the franchised dealer is required to complete and file all documents necessary to apply for a title and registration in the name of the non-franchised dealer, as this is considered to be a "retail sale".

  A non-franchised dealer may not title a new vehicle for "resale purposes only".

  In order to prevent any inconvenience to a legitimate retail consumer who presents a MCO assigned to them by a non-franchised dealer, the county tax assessor-collector's office should accept and process the transaction**.** Forward a copy of the transaction, including the front and back of the MCO to the Enforcement Division for action.
- The name of the seller on the first assignment on the back of a MCO must be the same as the purchaser's name on the face.
- The lien information shown on the back of the Manufacturer's Certificate of Origin (MCO) does not need to be completed. However, a release is required if the same lienholder does not carry forward on the application.
- An odometer disclosure statement is required when a new vehicle is transferred to the first retail purchaser. The odometer disclosure provided for this first retail transaction must comply with the Truth in Mileage Act requirements. The buyer should acknowledge the odometer disclosure. The disclosure may be provided by completing a conforming odometer disclosure statement on the Manufacturer's Statement of Origin (if applicable) or on a separate odometer disclosure statement. This applies regardless of whether or not the MCO contains an odometer disclosure statement.
- The assignment must show the:
  - Firm name and signature of agent or owner.
  - Date of Sale.
  - Dealer License Number.
- Only franchised dealers may use additional assignments to transfer ownership of a new vehicle, by the use of the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A). Dealers may only use this form after all available assignment spaces on the MCO have been used. (Transportation Code §501.002)
- When all assignments have been used on the original Manufacturer's Certificate of Origin, dealers may submit a **"**supplemental" Manufacturer's Certificate of Origin in lieu of the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

Rejected Transactions

If the department rejects a transaction for a corrected MCO, a corrected MCO must be obtained before resubmitting.

Transactions Over Two Years Old

In instances when a retail purchaser desires a title in their name and the date of assignment to the purchaser on the MCO is over two years old, the purchaser must provide a statement of fact with the transaction explaining where the vehicle has been and that it has not been registered or titled in any state.

Under the terms of the Certificate of Title Act, a vehicle remains a "NEW" motor vehicle until titled.

Oil Company Vehicles

Note: This section applies only to oil company vehicles purchased prior to 9/1/1999. Owners of vehicles purchased after that date must apply for title under Transportation Code Section 501.0275, Title Only and pay sales tax and title fees. If the original MCO is lost for these vehicles, a bonded title, court order, or tax hearing is required to issue a title.

Unregistered and untitled vehicles owned by oil companies (these vehicles are usually operated exclusively on oil company property) are considered to be "NEW" vehicles regardless of age and may transfer in one of the following ways:

- Sellers should complete the first available assignment on the MCO in favor of the purchaser, and the word "none" should be recorded in the space for the "Dealer License Number." A statement of fact completed by the seller should accompany the MCO stating that the vehicle has never been operated upon any public street or highway.
- In the event the vehicle is over two years old and the Manufacturer's Certificate of Origin (MCO) is not available, the seller must complete a statement of fact as described in Transactions Over Two Years Old. They must incorporate an assignment, such as that shown on the back of a MCO, in this statement of fact.
- If the vehicle is transferred to a non-franchised Texas dealer, further transfers may not be made by assignment of a MCO. The non-franchised dealer must apply for title and registration in the dealership name prior to re-selling the vehicle.

Note: The procedure outlined in Transactions Over Two Years Old applies to vehicles that were never subject to title and registration because they were purchased for use on private property and used exclusively off highway. The exception from title and registration does not apply to vehicles that were purchased for resale by someone other than a licensed dealer.

10.3 Bill of Sale

Bills of sale are acceptable in the following situations:

- with out of state or out of country registration receipts that do not provide transfer of ownership sections, provided the issuing state does not issue certificates of title as the negotiable evidence of ownership for that year model vehicle, or the issuing country only issues registration receipts, and the out of state or out of country receipt reflects registration that is current or that has been expired for six months or less;
- when accompanying an out of state title on which **all** dealer reassignment sections have been completed if the issuing state does not utilize supplemental dealer reassignment forms regardless of the type of vehicle
- with operation of law transfers;
- with component parts utilized to rebuild, reconstruct, or assemble motor vehicles; and
- with non-titled Texas vehicles.

When a Texas resident has purchased a vehicle with an out of state title that indicates an assignment to someone other than the Texas purchaser or a licensed motor vehicle dealer, the options for the “first Texas owner” to obtain a title are to pursue a Tax Collector’s Hearing, a bonded title, or a court order. Additionally, the same options apply when a Texas titled vehicle is sold to an out of country dealer or resident and then resold to a Texas resident on the existing Texas title.

The purchaser, as shown on a Sheriff's, Constable's, or U. S. Marshal's, Mechanic's Lien, or Storage Lien bill of sale, or an Auction Sales Receipt for an abandoned vehicle, must title in their name; however, if the purchaser is a Texas dealer, the Texas dealer may assign the title or use the *Dealer’s Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

10.4 Form 97, US Government Certificate to Title a Vehicle

The federal government, on July 1, 1948, required all federal agencies when disposing of motor vehicles owned by the federal government to complete the *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97) which is a “certificate of release” for a motor vehicle.

Government bills of sale (certificates of release), rules, and regulations are promulgated by the federal government and this department.

Texas Dealer Purchaser

If a Texas licensed dealer is named as the purchaser on the *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97), they may assign the vehicle to a subsequent purchaser using a *Dealer’s Reassignment of Title for a Motor Vehicle* (Form VTR-41-A). An individual (not a dealer) must secure a Texas title in his or her name before transferring ownership.

Texas Title with Liens

When Form 97 is completed by an agency of the federal government and a record of Texas title recording a lien is found, neither a release of lien nor the certificate of title is required to support the application. With reference to registration, disregard any prior Texas registration and issue new registration as in the case of an out of state vehicle.

Missing Information

In the event the odometer statement or the description of a motor vehicle as described on *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97) is missing, altered, illegible, or incorrect, the applicant must complete a new form. If the applicant is unable to obtain a corrected *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97), they must pursue a Tax Assessor-Collector hearing, bond, or court order.

Donated Vehicles

The Texas Facilities Commission's Federal Surplus Property Program, disburses donated vehicles from the federal government to certain exempt agencies. *A U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97) assigning ownership to the Texas Facilities Commission should support these transfers. The Commission then transfers ownership to the receiving exempt agency on their "Affidavit Regarding Title to a Motor Vehicle."

Note: When a *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97) shows a "salvage", "flood damaged", "Totaled", or "Not for Highway Use" brand is surrendered to apply for a negotiable title, the county tax assessor-collector's office should also add the appropriate remark.

10.5 Importer's Certificate

The volume of out of state vehicles being brought into this State by residents, nonresidents, new residents, members of the Armed Forces, auto auction companies, and dealers has grown to the extent that it is almost impossible for the county tax assessor-collector's office to determine whether the vehicle was brought into this State for the purpose of sale as provided by this Section. For this reason, VTR does not reject an application for a Texas title supported by proper evidence of ownership for lack of an importer's certificate.

10.6 Registration and Military Registration Receipts

A registration receipt is acceptable ownership evidence to transfer ownership of a motor vehicle provided registration receipt is from a state or jurisdictions that does not issue an ownership document for that motor vehicle (known as a non-title state), the registration receipt contains a transfer of ownership section, and the registration receipt is expired not more than 6 months. If the registration receipt does not contain a transfer of ownership section, a bill of sale must be used. If the registrations has been expired for more than 6 months, the owner must submit a statement of fact specifying the registration receipt is the most recent registration receipt covering the motor vehicle.

For information on Military Registration Receipts, refer to Military Registration in Chapter 20, Section 20.1 Entry of Motor Vehicles into the United States.

10.7 Miscellaneous Documents

Transportation Code Section 501.029

The board by rule may provide a list of the documents required for the issuance of a receipt that evidences title to a motor vehicle for registration purposes only. The fee for application for the receipt is the fee applicable to application for a title. The title receipt may not be used to transfer an interest in or establish a lien on the vehicle.

Non-negotiable “Duplicate Original” Certificates of Title

Prior to September 1, 2001, the department issued “Duplicate Original Certificates of Title” which were non-negotiable and nontransferable. These non-negotiable titles provide no space on the reverse side for the assignment of the vehicle and are not valid for transfer of an interest in or to establish a lien on a vehicle. “Duplicate Original” Certificates of Titles were issued in the following situations:

Lien Recorded on a Negotiable Texas Title

A Duplicate Original Certificate of Title was issued to the Texas recorded owner when application for a negotiable Texas Certificate of Title was filed that recorded a lien (encumbered motor vehicle). These non-negotiable titles provided an ownership document for the owner since the negotiable title was provided to and held by the lienholder.

Non-negotiable Title for Registration Purposes Only (RPO)

Texas non-negotiable titles for “Registration Purposes Only” were issued for any vehicle last registered or titled in another state but required Texas registration and the owner or operator could not or did not wish to surrender the negotiable out of state evidence of ownership to obtain a negotiable title.

Use of Title or Registration Receipt

Prior to September 1, 2001, Texas non-negotiable titles were issued for Registration Purposes Only.Since September 1, 2001, a receipt is issued at the time of application for Registration Purposes Only as proof of registration.Owners may not use a title receipt or registration receipt to transfer any interest or ownership in a motor vehicle or to establish a lien.

Chapter 11

SIGNATURE - AUTHORITY TO SIGN

This chapter contains the following sections:

- ***11.1*** Names
- ***11.2*** Signature Formats
- ***11.3*** Powers of Attorney
- ***11.4*** Secure Power of Attorney
- ***11.5*** Limited Power of Attorney for Eligible Motor Vehicle Transactions
- ***11.6*** Balloon-note Due Contract Limited Power of Attorney
- ***11.7*** Issuance of New Certificate of Title Because of Subsequent Sales
- ***11.8*** Title and Dealer Assignments
- ***11.9*** Notarized Documents and Forms
- ***11.10*** One Document for Multiple Transactions
- ***11.11*** Acknowledgment

11.1 Names

Transportation Code Section 501.155

(a) A person commits an offense if the person knowingly provides false or incorrect information or without legal authority signs the name of another person on:

(1) an application for a title;

(2) an application for a certified copy of an original title;

(3) an assignment of title for a motor vehicle;

(4) a discharge of a lien on a title for a motor vehicle; or

(5) any other document required by the department or necessary to the transfer of ownership of a motor vehicle.

(b) An offense under this section is a felony of the third degree.

Legal Name and Signature Consistency

The owner's legal name and signature, as shown on the face of the application, should agree with each other and with the purchaser's name on the supporting evidence. The application must be made in the legal name as shown on the identification. If any part of the name needs to be shortened due to character limitations, shorten the middle name by truncation.

For example, the legal name John Tom Doe may appear on the identification however the name on the transfer assignment or the signature may appear as John T. Doe, J. T. Doe, John Doe, or J. Doe.

Note: The surname must agree in all cases. There must not be a discrepancy.

If there are any doubts as to the identity of the signor, request a statement of fact from the person in question to clarify that they are one and the same person. Examples include when there is a name change due to marriage or divorce, or where a title reflects the name of John Doe and the signature reflects John Doe, Sr.

Joint ownership

Joint ownership (two or more owners) must appear on an application as the legal name of both owners as it appears on their identification and each should sign their own names on the application. Customers may not use the words **"**or**"** and "and/or" either on the assignment or on the face of the application to denote joint, dual, or co ownership.

Note: Customers may not use the word "and" to connect the signatures of joint owners, as each owner must individually sign the application.

Rights of Survivorship

If one or more persons submit both an application for Texas title and a jointly signed **"**Rights of Survivorship" agreement, the department places the words RIGHTS OF SURVIVORSHIP on the certificate of title. Upon the death of one or more of the persons named in the agreement, the department issues a new certificate to the surviving person(s) or the surviving persons' transferee upon receipt of a completed application for Texas title and a copy of the deceased person(s)' death certificate.

Note: It is recommended that the Legal Name as it appears on the Survivor's identification is used, however the ID of the Survivor is not required at the time their name is placed on the title record and the name is not required to match the ID.

A number of factors affect how persons may enter into a Rights of Survivorship agreement and how VTR may issue certificates of title to the survivor(s). Refer to Chapter 17, "Rights of Survivorship" for a more detailed discussion.

11.2 Signature Formats

1. Assignments and applications in the name of John Doe, et al (meaning "and others") is considered to be a company name and does not require authority for the agent to sign.

2. The name of the owner does not have to appear over the agent's signature in the signature space on an application for Texas title. A company name shown in the signature space must agree with the name of the owner. If the agent signing requires authority (as in the case of a power of attorney), the notation Power of Attorney, POA, or P/A must be shown adjacent to their signature; and proper authority to support their signature must be attached to the transaction.

Example 1:

Name of Owner:	XYZ Company
Signature of Owner or Agent*:*	*John Smith*

Example 2:

Name of Owner:	XYZ Company
Signature of Owner or Agent:	XYZ Company *by John Doe (POA)*

Joint Owners/Power of Attorney/Miscellaneous

3. If joint owners of a vehicle give authority to another individual to apply for title in their names, they must attach a power of attorney signed by all the owners.

4. In the case of joint owners, one of the joint owners may give the other joint owner(s) power of attorney to sign for him/her. They must attach the power of attorney, and the following is an example of how the names of owners and the signature of the attorney should appear:

Example:

Name of Owners:	Tom Smith - Jack Brown
Signature of Owner or Agent:	*Tom Smith* Jack Brown *by Tom Smith (POA)*

5. An individual may give a company a form of power of attorney in which no specific agent is named to act for the company. They should attach the power of attorney to the transaction. The company's name should appear in the space for signature of owner; and the agent's signature should appear as signing for the company.

Example:

Name of Owner:	Tom Smith
Signature of Owner or Agent:	Tom Smith *by XYZ Company, John Doe (POA)*

6. If the title reflects the owner’s name as John Doe and the signature reflects John Doe, Sr., or John Doe, Jr., a statement of fact may be requested from that person to clarify that they (John Doe and John Doe, Sr./Jr.) are one and the same person.

Example:

Name of Owner:	John Doe
Signature of Owner or Agent:	*John Doe, Jr.*(May request Statement of Fact)

7. A signature of owner should be accepted regardless of the manner in which an owner signs, prints, or “X's” their name. The words **“**His/Her Mark**”** should appear adjacent to an “X” when the owner signs in this manner.

Business Entities

8. An individual's name in partnership with a company or firm may appear on an application for Texas title. In these cases, the company or firm's name should be countersigned by an agent and the individual's signature should appear. A business card or authorization written on the letterhead of an entity named as power of attorney that matches the identification of the employee; and identification of the owner or lienholder is required.

Example:

Name of Owner:	Joe Doe and Union Oil Company
Signature of Owner or Agent:	*Joe Doe - Union Oil Co. by John Smith*

If applicants desire the vehicle titled in the names of an individual and a business, the individual may sign once as the individual owner and again as the business owner. No authority is required for the individual owner to sign on behalf of the business.

Example:

Name of Owner:	Joe Doe and Union Oil Company
Signature of Owner or Agent:	*Joe Doe - Joe Doe for Union Oil Co***.**

9. In the event two companies are shown as joint owners on the application for Texas title, a different agent must sign for each company, unless authorization is attached for the agent of one company to sign for the other.

Example:

Name of Owner:	American Oil Co. and Union Oil Co.
Signature of Owner or Agent:	American Oil Co. *John Doe*-Union Oil Co.
	Pete Smith

10. If the purchaser of a vehicle appears on the assignment as Joe Doaks d.b.a. Doaks Motor Company, the name of owner on the application for Texas title may appear either as “Joe Doaks d.b.a. Doaks Motor Company” or as “Doaks Motor Company”. No authority is required for an agent to sign for a firm or company.

11. Evidence of authority need not be attached for an owner or agent signing as, or for, a “Trustee,” provided the owner or agent does not sign as, or for, trustee of a trust, trustee of an estate, trustee in bankruptcy, or trustee for a minor.

12. No person may sign for the estate of a deceased person without attaching evidence of legal authority, such as Letters of Administration, Letters Testamentary, Probate Proceedings (also muniment of title), or Affidavit of Heirship. (Refer to Chapter 16, “Operation of Law”)

13. If a company, firm, or corporation is doing business in the name of an estate, evidence of authority is not required for an agent to sign provided they sign as an agent or manager of the estate.

Example:

Name of Owner:	John Doe Estate
Signature of Owner or Agent:	*Jack Brown, Manager(*Manager)

14. When the name of owner is a firm's name, an agent must sign for the firm in the space provided for “Signature of Owner or Agent” on the application.

15. “Inc.” should not be changed to “Co.” or “Co.” to “Inc.” Neither should an application for corrected title be used to make corrections of this nature, unless there is an affidavit attached from the previous owner verifying the correct name. Otherwise, the title has to be assigned from “Co.” to “Inc.” or “Inc.” to “Co.”

16. When an application for Texas title is supported by a Texas title reflecting that authority has been given to an individual to act in the name of the owner, no further evidence of authority need be attached.

17. In the event an assignment shows an individual's name and a firm's name as “TOM JONES for XYZ COMPANY,” only the name of the company should appear on the application in the space for “Name of Owner.” If the individual's name and the firm's name are worded on the assignment as “TOM JONES OF XYZ COMPANY,” Tom Jones should appear in the space on the application for “Name of Owner.”

18. Evidence of authority is not required when a person or agent signs for a Texas licensed dealer when the dealer's name appears as an individual followed by their current dealer license number.

Example: John Doe, P8523

Miscellaneous

19. No authority is required for a father or mother to sign for a minor child if no inheritance is involved. (If inheritance is involved, refer to Chapter 16, “Operation of Law”.)

Example:

Name of Owner:	John Doe (Minor)
Signature of Owner or Agent:	*Jack Doe (Parent)*

20. Electronic, digital or signature stamps are not acceptable.

21. If an owner loses the ability to sign documents a legal guardian must be appointed.

Application for Title Signed by a Trustee and Authority Required

Refer to Table 11-1 for signature information when dealing with all forms (living, estate, family, etc.) of trusts.

Table 11-1 Application for Title Signed By A Trustee And Authority Required

Name Of Owner On Face Of Title	Signature For Owner On Assignment of Title	Authority Required
John Doe	John Doe, Trustee	None
Robert Brown	Mary Smith, Trustee	None
ABC Company	John Doe, Trustee	None
John Doe Trust Estate (Agreement)	Mary Smith, Trustee	[1]Statement of Fact or Affidavit of Trust
John Doe Trust Estate	Kay Lane, Trustee by Jane Smith, POA	[2]Statement of Fact or Affidavit of Trust and POA
John Doe Estate	Susan James, Executor	Letters Testamentary
John Doe	Lillian Avery, Trustee	Bankruptcy Court Order Appointing Trustee
John Doe, Trustee for Joe Black (minor)	John Doe, Trustee	Statement of Fact or Affidavit of Trust
Joe Black (minor)	John Doe, Guardian	Letters Guardianship
John and Mary Doe Living or Family Trust	John Doe, Mary Doe	Statement of Fact or Affidavit of Trust

1. When a legal trust is established, a trustee or trustees are appointed to conduct the business associated with the trust including the titling or transfer of motor vehicles. A Statement of Fact or an Affidavit of Trust is acceptable for signature authority. When signed by the trustee, a Statement of Fact is acceptable in lieu of an actual copy of the Trust Agreement. The statement of fact must state the name of the person or persons who appointed the trustee and state whether or not the agreement is on file with the county clerk. If on file, the number under which it is recorded must appear.
2. If the trustee has appointed a Power of Attorney (POA) and the POA completes documentation on behalf of the trustee, an original or certified copy (notarized) of the POA must accompany the title transaction in addition to one of the above referenced options that identifies the trustee.

22. A leased vehicle must reflect the name and address of the lessor (person or company from whom the vehicle is leased) on the *Application for Texas Title and/or Registration* (Form 130-U) in Box 16 (Applicant Name) and Box 18 (Applicant Mailing Address). This enables the lessor to receive the Texas title. The lessor's name must be followed by "(LESSOR)." The name and address of the lessee (person or firm to whom the vehicle is leased) must be on the *Application for Texas Title and/or Registration* (Form 130-U) in Box 23 (Renewal Recipient Name) and Box 24 (Renewal Notice Mailing Address). This enables the lessee to receive the registration renewal notices.

Applications should be completed as in the following example:

16. Applicant First Name (or Entity Name) **Lease-A-Car (Lessor)**	Middle Name	Last Name		Suffix (if any)
17. Additional Applicant First Name (if applicable)	Middle Name	Last Name		Suffix (if any)
18. Applicant Mailing Address **14800 Central Street, Houston, Texas 77060**	City	State	Zip	19. Owner County of Residence **Harris**
20. Previous Owner Name (or Entity Name) **Joe's Dealership, Houston, Texas**	City	State	21. Dealer GDN (if applicable) **P123456**	22. Unit No. (if applicable)
23. Renewal Recipient First Name (or Entity Name) (if different) **Ima Good Sample**	Middle Name	Last Name		Suffix (if any)
24. Renewal Notice Mailing Address (if different) **123 Long Road, Houston, Texas 77055**	City	State		Zip

The lessor, or an agent of the lessor, must sign as the owner on the certificate of title and disclose the odometer statement when the vehicle is transferred.

11.3 Powers of Attorney

A power of attorney is defined as the written authority for one person to act for another. Refer to Section ***11.11*** Acknowledgment in this chapter for a list of persons eligible to take acknowledgments and for the manner in which the signature of the attorney-in-fact should appear on the application.

The grantor of a power of attorney must state in the document the name of the attorney-in-fact. (For example: The word "Bearer" should not appear in lieu of the name of the attorney-in-fact.) Customers must attach the original or photocopy of the power of attorney to a title transaction as evidence of the appointment of an attorney-in-fact, unless a secure power of attorney (such as *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) is used. If a secure power of attorney is used, only the original power of attorney is acceptable.

A power of attorney **cannot** be granted to the selling or buying dealer, an employee of the dealer, or relative of the dealer, unless the vehicle is exempt from the odometer disclosure law (See Vehicles Exempt from Disclosure in Chapter 15) or unless the dealer is appointed with appropriate use of the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A). A *Limited Power of Attorney for Eligible Motor Transactions* (Form VTR-271) cannot be used in a dealer transaction for a vehicle subject to odometer disclosure.

When a power of attorney has been granted, the attorney-in-fact cannot appoint another agent or attorney-in-fact unless the original grantor has given the attorney-in-fact the "power of substitution" and it is stated in the original power of attorney.

No power of attorney of any kind can be used in conjunction with a form or document that requires the named person to swear to or certify to a statement. An individual appointed power of attorney cannot swear for or certify a document or form for another individual. For example, a power of attorney could not be used for an heirship affidavit to claim heirship. However, once the heir has signed the affidavit, the heir could give another individual power of attorney to transfer the vehicle.

Returning a Power-of-Attorney

If an individual desires the return of a power of attorney or other evidence of lawful authority, the county tax assessor-collector's office may return the original document to the applicant and submit a copy of the document with the title transaction provided the copy is verified as to its authenticity. A county tax assessor-collector's office should never include the original document in the title transaction as original documents cannot be returned if the applicant wants the original document returned to them. The department records and destroys the document along with the other supporting evidence.

Death of a Grantor

Upon the death of the grantor (person completing the form), a **non durable** power of attorney becomes invalid and the vehicle belongs to the estate. The disposal and transfer of the vehicle is processed through the usual probate and heirship procedures. A durable power of attorney is effective until it is revoked by the grantor, or until the grantor's death.

Note: If the grantor of the power of attorney is deceased and the title assignment was signed prior to the date of death, the title transaction is acceptable for processing. However, if the title assignment was signed after the date of death, the title transaction is unacceptable. The appropriate probate and heirship procedures must then determine transfer of ownership.

Executor or Administrator

If it is necessary for an executor or administrator to grant a power of attorney, it must be limited to the specific act and to the specific individual(s) or firm(s) involved. These limitations mean that the grantor of this power of attorney must specify who serves as attorney-in-fact to sell or buy a specific vehicle and the amount of money to be exchanged. An executor or administrator cannot grant a general power of attorney because they were appointed by the court (or by the testator) to personally transact the business of the estate.

If there is no administration, any one or all of the heirs may grant a power of attorney to another person if the necessary information shown in the affidavit of heirship (no will left, no heirs with prior rights, etc.) is stated in the power of attorney.

Two or More Motor Vehicles

In the event an individual gives another person power of attorney to register two or more motor vehicles, a single power of attorney is acceptable if all the transactions are kept together with the power of attorney when sent to the department.

Firms, Associations, or Corporations

A power of attorney may be given to a firm, association, or a corporation; and the agent acting for the organization should clearly indicate by their signature that they are signing for the firm, association, or corporation.

Two or More Persons as Attorneys

A person may appoint two or more persons as attorneys-in-fact, or a person may appoint a firm and/or an individual as dual attorneys-in-fact. In these cases, the wording of the power of attorney always determines who must sign for the grantor.

Examples:

John Doe or Charles Smith (Dual Attorneys-in-Fact) either may sign.

John Doe and Charles Smith (Dual Attorneys-in-Fact) each must sign.

Signatures

When an attorney in fact, executor, administrator, etc. completes the assignment of title, the signature should clearly indicate for whom they are signing; and their authority should be indicated in the assignment and/or attached to the transaction.

Examples:

JOHN SMITH by *William B. Long, POA*

JOHN SMITH by *Robert J. Brown,* Executor

General Power of Attorney

A general power of attorney is the written authority for one person to act in all business and legal capacities for another person. The description of the motor vehicle does not need to appear in this type of power of attorney because the power given to the attorney-in-fact is general. A general power of attorney may be limited only by a statement that the document becomes null and void on a certain date. In these instances, when the power of attorney is limited by date and the attorney-in fact is to complete the final application, that particular authority does not appear on the certificate of title.

Note: A general power of attorney given to an individual to act on behalf of another individual or entity may be an original or a photocopy.

Durable Power of Attorney

A durable power of attorney is the written authority for one person to act in all business and legal capacities for another person as stated in General Power of Attorney. A durable power of attorney continues to exist if the principle becomes incapacitated, is not mentally competent or not physically able to make decisions, unless specifically limited.

Limited Power of Attorney

A limited power of attorney is the written authority for one person to act in a specific instance or for a particular purpose for another person. This type of power of attorney is usually limited by a statement specifying what act(s) the attorney-in-fact may perform. The limitation may confine the attorney-in-fact to the purchase, the sale, or the registration of a particular motor vehicle, and it may be limited further by a date or a statement. See Section ***11.5*** Limited Power of Attorney for Eligible Motor Vehicle Transactions for more information.

11.4 Secure Power of Attorney

Federal law specifies a motor vehicle is subject to odometer disclosure when it is self-propelled, less than 10 years old, and has a gross vehicle weight of 16,000 pounds or less. Part 580, Code of Federal Regulations, provides the rules relative to the Truth in Mileage Act, which dictates when use of a power of attorney is permissible in conjunction with odometer disclosure. Further, federal law requires the odometer disclosure for used vehicles to be made on a certificate of title or a secure power of attorney. Federal law specifies use of a power of attorney is strictly limited to when the title is lost or held by a lienholder, and the only acceptable power of attorney is the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A). Only licensed motor vehicle dealers, salvage yards, and insurance companies may use the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A). This form may be obtained from a TxDMV Regional Service Center.

Part A

When a licensed motor vehicle dealer, salvage yard, or insurance company takes possession of a motor vehicle subject to odometer disclosure, and the seller does not possess the certificate of title, because it is lost or held by the lienholder, Part A of the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) must be completed by both the seller and the purchaser and must contain original signatures. Upon receiving the title, the dealer, salvage yard, or insurance company must complete the assignment and odometer disclosure on the title.

Part B

If the title is still held by a lienholder and is sold by the dealer, salvage yard, or insurance company, Part B of the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) must be completed by both the seller and the purchaser and must contain original signatures. Part B grants power of attorney to the seller to complete the certificate of title upon receipt.

Part B can only be completed if Part A is completed, and the title is still held by the lienholder. The purchaser in Part A may not sell a vehicle without having possession of the vehicle's title unless the title is held by a lienholder. A certified copy of title (CCO) must be obtained prior to subsequent transfer if the title is lost at the time the purchaser in Part A takes possession of the vehicle. A subsequent purchaser is required to acknowledge the odometer on the CCO.

Part C

The purchaser in Part A (who is also the seller in Part B), must complete the assignment and subsequent reassignment on the certificate of title and must then complete the certification in Part C of the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A).

Unless the sale involves an out of state purchaser or another dealer, the dealer must then file the application for Texas title, *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A), and any other required documents and fees with the county tax assessor-collector's office where the vehicle was bought, is encumbered, or the purchaser (owner) resides, as directed by the purchaser on the form *County of Title Issuance* (Form VTR-136).

11.5 Limited Power of Attorney for Eligible Motor Vehicle Transactions

A limited power of attorney may be used to facilitate the completion of paperwork, obtaining a certified copy, processing registration, or any other necessary actions required to facilitate the transfer of a motor vehicle. The department provides the *Limited Power of Attorney for Eligible Motor Transactions* (Form VTR-271) for use in eligible situations.

A limited power of attorney, including *Limited Power of Attorney for Eligible Motor Transactions* (Form VTR-271), may not be used to complete the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A). A dealer may not facilitate the appointment of a limited power of attorney, nor may the dealer, anyone associated with the dealer, or anyone performing work on behalf of the dealer be appointed grantee in a limited power of attorney to complete an odometer disclosure.

11.6 Balloon-note Due Contract Limited Power of Attorney

Texas Transportation Code Section 501.076 provides for one specific type of limited power of attorney associated with "balloon-note due" contracts.

Transportation Code Section 501.076

(a) An owner who has a contractual option to transfer ownership of a vehicle in full or partial satisfaction of the balance owed on the vehicle, as provided in Section 348.123(b) (5), Finance Code, may execute a written limited power of attorney that authorizes an agent to complete and sign for the owner, and provide to the transferee, the form to transfer the title under Section 501.071 and the odometer disclosure under Section 501.072, and the other documents necessary to transfer title.

(b) The owner may execute the limited power of attorney at the time the owner enters the contract giving the owner the option to transfer the vehicle or at any time after that date. The limited power of attorney may only be used if an owner elects to transfer the vehicle in full or partial satisfaction of the contract and may not be used by the holder of the contract as part of the holder's exercise of a remedy for a default by the owner under the contract.

(c) The person named as the agent in the limited power of attorney must meet the following requirements:

(1) the person may be a person who has been deputized to perform vehicle registration functions as authorized by rules adopted under Section 502.0071, a licensed vehicle auction company holding a wholesale general distinguishing number under Section 503.022, a person who has a permit similar to one of the foregoing that is issued by the state in which the owner is located, or another person authorized by law to execute title documents in the state in which the owner executes the documents; and

(2) the person may not be the transferee or an employee of the transferee. The person may not act as the agent of both the transferor and transferee in the transaction. For the purposes of this section, a person is not the agent of both the transferor and transferee in a transaction unless the person has the authority to sign the documents pertaining to the transfer of title on behalf of both the transferor and the transferee.

(d) If a limited power of attorney is used under Subsection (a), the holder of the contract shall accompany the power of attorney with a written statement that the vehicle was returned at the election of the owner in full or partial satisfaction of the owner's obligations under the contract and not as the result of the exercise by the holder of the contract of its remedies for default.

(e) A signed and dated written odometer disclosure containing the information described in this subsection may be included on or with the power of attorney if the power of attorney is executed within 120 days before the date of the transfer and is accompanied by the conspicuous written notification described in this subsection. If an odometer disclosure is not obtained in that manner, the transferee or agent or the person to whom the vehicle is delivered at the time of the transfer shall request an odometer disclosure as provided in this subsection. Not more than 120 days before the transfer of the vehicle by the owner, the transferee or agent under the power of attorney or person receiving delivery of the vehicle shall in writing request the owner to provide a signed and dated written statement stating the odometer reading (not to include tenths of a mile) as of the date of the statement, and further stating words to the effect that either: (i) to the best of the owner's knowledge, the odometer reading reflects the actual mileage of the vehicle; (ii) the actual mileage has gone over the odometer's mechanical limits and the odometer reading reflects the amount of mileage in excess of the mechanical limits of the odometer, if the owner knows that to be the case; or (iii) the odometer reading is not the actual mileage, if the owner knows that to be the case. The statement may consist of a form in which the agent or transferee or person receiving the vehicle includes the identification of the vehicle and owner and which allows the owner to fill in the odometer reading and mark an applicable box to indicate which of condition (i), (ii), or (iii) is applicable and to date and sign the statement. With the request for the owner's statement, the transferee or agent or person receiving the vehicle shall provide a written notification to the owner to the effect that the owner has a duty under law to state the odometer reading, state which of conditions (i), (ii), or (iii) is applicable, and sign, date, and return the statement and that failing

to do so or providing false information may result in fines or imprisonment. Unless the written notification is delivered to the owner at substantially the same time that the owner is delivering the signed and dated owner's statement, the written notification must also state a date by which the owner must provide this information and an address to which it may be delivered. This written notification to the owner must be in bold letters, underlined, or otherwise conspicuous and may be in a separate document or included as part of a form to be used for the owner's statement or in another document relating to the potential transfer. The transferee or agent or the person receiving delivery of the vehicle may mail the request and notification to the last known address of the owner or may otherwise send or deliver it to the owner. If there are multiple owners of the same vehicle, the request and notification may be sent to one or more of them and it shall be sufficient for one owner to sign the statement. The owner has a duty to return the signed and dated statement as directed in the notification. In completing the odometer disclosure on the owner's behalf, the agent shall identify the same condition (i), (ii), or (iii) provided in the owner's statement, unless the agent knows that the condition identified in the owner's statement is not correct. The agent will not indicate in the odometer disclosure it completes on the owner's behalf that the odometer reading is not the actual mileage unless either the owner has so indicated in the owner's statement or the agent knows that the owner's statement is not correct. The agent shall transmit the owner's statement it receives to the transferee after the title transfer is completed. The owner's statement received by the transferee under this subsection need not be filed with the filing office for the other title documents, but the transferee shall retain the owner's statement for a time period and in a similar manner to the retention methods used by a lessor to retain statements under 49 C.F.R. Section 580.8(b), as it may from time to time be amended. The transferee may rely upon the agent's odometer disclosure and the owner's statement unless it knows that they are not correct. A failure by an owner to comply with an obligation under this subsection subjects the owner to the penalties and enforcement provisions of Subchapter H but does not affect the validity of the transfer of title.

(f) This section does not in any way impair or impede any transfers made through use of a power of attorney prior to the effective date of this section, and such transfers shall continue to be valid if they comply with the provisions of this section or would otherwise comply with the law in effect prior to the effective date of this section. This section does not apply to powers of attorney authorized under federal law or regulation that authorize a transferee to act as the agent of the transferor under certain circumstances or to powers of attorney otherwise authorized by the law of this state. This section does not affect the use of powers of attorney to sign, complete, and deliver the form to transfer title and other documents necessary to transfer title, including the odometer disclosure, in title transfers other than those described in Subsection (a).

(g) The power of attorney created in this section shall be limited for the purposes and duration specified in this section.

Specifics of a Balloon Note Due Limited Power of Attorney

- Owners may sign the power of attorney on the date that the owners sign the "balloon-note due" contract or at any time after that;
- Is not required to include an odometer disclosure statement from the owners;
- Limits the person appointed and may not include the transferee or an employee of the transferee; and
- May include an odometer disclosure statement if signed within 120 days before the date of the transfer.

Note: A separate odometer disclosure statement may remain with the transferee, and the power of attorney can disclose the odometer certification provided by the owner.

Acceptance of the limited Power of Attorney

County tax assessor-collector's offices should accept title transfers with the limited power of attorney as an approved form for transfer of ownership.

The holder of the contract must include a statement confirming that the vehicle was returned at the election of the owners and not as a result of remedies for default.

Uncommon Circumstances

Transportation Code Section 501.076 allows the use of these limited power of attorneys in circumstances that are somewhat uncommon.

- The limited power of attorney can be dated and signed at the time the "balloon-note due" contract is signed by the purchaser.
- There is the possibility that the limited power of attorney could be multiple years old at the time of transfer of ownership.
- Since the department does not prescribe the limited power of attorney, there could be several versions and all versions would be acceptable.

11.7 Issuance of New Certificate of Title Because of Subsequent Sales

If an owner's name (not a Texas licensed dealer) appears as one of the assignments listed below, the owner must file an application for Texas title in their own name.

- As the purchaser on the first assignment
- As the purchaser on "reassignment by dealer"
- As the purchaser on the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A)

11.8 Title and Dealer Assignments

Refer to Chapter 9, Section 9.3 Title Assignments and Chapter 9, Section 9.4 Dealer Assignments

11.9 Notarized Documents and Forms

Forms not Requiring Notarization

Effective April 1, 1990, the notarization of certain documents relating to a title transfer, is no longer required. Department forms (unless specifically required), bills of sale, title assignments (manufacturer's certificate of origin, Texas title, and out of state evidence), odometer disclosures, affidavits of fact, and limited powers of attorney (specifically for transferring ownership of a motor vehicle) do not require notarization.

11.10 One Document for Multiple Transactions

If one document (power of attorney, heirship affidavit, will, etc.) is used to support the applications of more than one transaction, applicants should staple all affected transactions together with the document and a note attached stating, "These transactions must be kept together." Furthermore, counties should submit all related transactions in a "SPECIAL HANDLING" envelope with a note stating the transactions should be kept together. An acknowledged copy of the document should support any additional transactions. Additionally, the county tax assessor-collector's office should submit a certification concerning the number of transactions for which the original document was submitted.

11.11 Acknowledgment

The following individuals are authorized to take acknowledgments on papers related to Texas title and registration laws:

- Justice of the Peace and Ex Officio Notary Public - (seal affixed)
- County Clerk- (seal affixed)
- Deputy County Clerk - provided the name of the county clerk is also shown on the acknowledgment. (seal affixed)
- District Clerk - (seal affixed)
- Deputy District Clerk - provided the name of the district clerk is also shown on the acknowledgment. (seal affixed)
- Notary Public - (seal affixed - embossed impression or rubber stamped ink impression) A notary public is authorized by law to take acknowledgment in any county in this state, regardless of the county in which the notary is appointed. The name of the notary public should be typed or stamped beneath the notary public's signature. Also the acknowledgment should include the date of acknowledgment and the date the notary's commission expires.
- County and District Judges - (seal of office affixed)
- Officers of the United States Armed Forces on active duty provided their rank and branch of service is shown on the acknowledgment. (No seal required)
- Officials of the Diplomatic or Foreign Service of the United States Government may take acknowledgment within the country to which the official is accredited. The acknowledgment must show the seal of office, name of office, and the country to which accredited.

- The county tax assessor-collector and their employees may administer oaths and take acknowledgments on any document required or authorized to be filed with the office of the county tax assessor-collector. (When taking acknowledgments on title and registration forms, the words “Notary Public” should be crossed out and substituted with county tax assessor-collector or county tax assessor-collector employee; and the name of the county should be shown.)
- Members of any board or commission created by the laws of this State in matters pertaining to the duties thereof.
- In instances when an original or a certified copy of a document, such as a will, power of attorney, chattel mortgage, letters testamentary, etc., is required to support a title transaction but the applicant does not wish to relinquish the original or certified copy of the document, the county tax assessor-collector or deputy may, after verifying the authenticity of the document, allow a copy of the document to be attached to the title transaction. In these instances, the county tax assessor-collector or deputy should make a signed statement on the border of the copy that it is a true copy of the original.

Note: Certification, as it relates to supporting documents, is the act of certifying by a statement on the document, that the document(s) is a “true and correct copy of the original.”

Chapter 12

LIENS

This chapter contains the following sections:

- ***12.1*** Definitions
- ***12.2*** Perfection of Security Interest
- ***12.3*** Sale or Security Interest Not Created by Certain Vehicle Leases
- ***12.4*** Recordation of Security Interest
- ***12.5*** Lien Information on Application for Texas Title and/or Registration (Form 130-U)
- ***12.6*** Income Tax Liens
- ***12.7*** Accessories Liens
- ***12.8*** Restitution Liens
- ***12.9*** Landowner's Lien
- ***12.10*** Child Support Liens
- ***12.11*** Transfer of Equity
- ***12.12*** Release of Liens
- ***12.13*** Liens Over 10 Years Old
- ***12.14*** Electronic Lien Title (ELT)

12.1 Definitions

Transportation Code Section 501.002 (12)

(1) "Lien" means:

(A) a lien provided for by the constitution or statute in a motor vehicle; or

(B) a security interest, as defined by Section 1.201, Business & Commerce Code, in a motor vehicle, other than an absolute title, created by any written security agreement, as defined by Section 9.102, Business & Commerce Code, including a lease, conditional sales contract, deed of trust, chattel mortgage, trust receipt, or reservation of title.

(C) a child support lien under Chapter 157, Family Code.

The disclosure of a lien (security agreement) on an application for a certificate of title filed with the county tax assessor-collector's office constitutes the notation or perfection of the lien as of the date the application is accepted, and a receipt for title application is issued.

12.2 Perfection of Security Interest

Transportation Code Section 501.111

(a) Except as provided by Subsection (b), a person may perfect a security interest in a motor vehicle that is the subject of a first or subsequent sale only by recording the security interest on the title as provided by this chapter.

(b) A person may perfect a security interest in a motor vehicle held as inventory by a person in the business of selling motor vehicles only by complying with Chapter 9, Business & Commerce Code.

12.3 Sale or Security Interest Not Created by Certain Vehicle Leases

Transportation Code Section 501.112

Notwithstanding any other law, an agreement for the lease of a motor vehicle does not create a sale or security interest by merely providing that the rental price is permitted or required to be adjusted under the agreement as determined by the amount realized on the sale or other disposition of the vehicle.

A security interest in a motor vehicle, except one covering vehicles in a dealer's inventory, may only be perfected by recording the lien on the certificate of title as provided in Transportation Code Section 501.113. A security interest covering vehicles in a dealer's inventory (floor plan lien) may only be perfected by filing a financing statement in the office of the Secretary of State. In the ordinary course of business, a security interest agreement is neither enforceable against the buyer of a vehicle, even if the buyer knows of its existence, nor is it valid against a motor vehicle, which has been the subject of first or subsequent sale.

The above paragraph provides that a buyer in the ordinary course of business is not liable for any encumbrances held against the dealer. The department and its designated agents are not in a position to know all the facts concerning the nature of an encumbrance and, therefore, can not determine "who is" and "who is not" a buyer in the ordinary course of business. Any lien, noted or recorded on a Texas title or Manufacturer's Certificate of Origin (MCO), must be released or carried forward to an application for a Texas title that is filed in the name of a third party. If the lien is not released, or noted on the application, the transaction is unacceptable. Or if title is issued in error, the department revokes the title and the customer must file a new application to record the lien.

12.4 Recordation of Security Interest

Transportation Code Section 501.113

(a) Recordation of a lien under this chapter is considered to occur when:

(1) the department's titling system is updated; or

(2) the county assessor-collector accepts the application of title that discloses the lien with the filing fee.

(b) For purposes of Chapter 9, Business & Commerce Code, the time of recording a lien under this chapter is considered to be the time of filing the security interest, and on such recordation, the recorded lienholder and assignees under Section 501.114 obtain priority over the rights of a lien creditor, as defined by Section 9.102, Business & Commerce Code, for so long as the lien is recorded on the title.

Protection for the Lender

A lien noted on a *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) constitutes valid protection for the lender against the motor vehicle of a borrower. The lien must be recorded on the certificate of title so that possible future purchasers have knowledge of the lien. If a motor vehicle with a recorded lien is sold, with or without the knowledge or consent of the lender, the rights of the lender remain as long as the lien is duly recorded. No sale or, succession of sales, invalidates the lien.

Liens not Noted on Certificates and Titles

The creation of a lien is usually a written document between two parties, and the record of a lien on the certificate of title serves as notice of its creation. A lien not recorded on the title is valid between the parties and against the vehicle until the time a third party purchaser intervenes. In the event a lien is created by parole agreement (word of honor), the validity of the lien, if questioned, would be determined by a court of competent jurisdiction.

Liens Noted on Certificates and Titles

Any lien noted or recorded on a Manufacturer's Certificate of Origin (MCO), application for a Texas title, Texas Certificate of Title, out of state certificate of title, out of state registration receipt, bill of sale, or invoice must be released or carried forward.

- Lien information noted on a MCO need not be complete, but the lien must be released or carried forward.
- A lien recorded on a Texas title is not required to be released when:
  - An application for corrected title is filed recording a new lien in favor of the same lienholder as is recorded on the surrendered title (with no change in ownership).
  - A Texas title is transferred and the lienholder on the surrendered evidence is the same as recorded on the new application. (Dates may differ.)
- A lien recorded on out of state evidence is not required to be released when there is no transfer of ownership from an out of state title and the same lienholder is being recorded on the Texas application as is recorded on the out of state title. (Dates may differ.)
- An out of state lien recorded on out of state evidence cannot be carried forward to a Texas title when there is a transfer of ownership unless:
  - A release of lien is attached; or
  - Authorization from the lienholder is attached.

Note: If a Texas lienholder is recorded on out of state evidence being surrendered in support of a Texas application, require the same release as if the lien were on a Texas title.

12.5 Lien Information on *Application for Texas Title and/or Registration* (Form 130-U)

The first lien must be recorded on the *Application for Texas Title and/or Registration* (Form 130-U). A lien may also be recorded in the "LIEN" area located on a Certificate of Title. The "LIEN" area is located on the bottom, back side of a Texas Certificate of Title. The lien is not required to be written in this area a title; however, if it is, it must also be recorded on the *Application for Texas Title and/or Registration* (Form 130-U).

Lien Wording

The lienholder's name and address and the date of the first lien must be included in the first lien information are on the *Application for Texas Title and/or Registration* (Form 130-U). And the correct address and zip code must be included in the mailing address for the post office to deliver the negotiable Texas Certificate of Title to the lienholder.

The *Additional Liens Statement* (Form VTR-267) must be submitted with an *Application for Texas Title and/or Registration* (Form 130-U) when more than one lien is to be recorded; however, the Texas title will be sent to the first lienholder recorded on the *Application for Texas Title and/or Registration* (Form 130-U).

The name of a nationally known lienholder may be abbreviated in the space provided on the application for the "Name of Lienholder". Example: GMAC.

The word "or" or "and/or" may not connect the names of joint lienholders.

Altered Lien Information

Date

The date of a lien shown on an application may be altered provided the result of the alteration is legible. If the date of lien shown on the application is not legible after alteration, a new application should be requested. Strikeovers and erasures, which leave any doubt to the correct date of lien, are not acceptable.

Name

If the lienholder's name has been altered, a statement of fact should be required from the lienholder explaining the alteration and stating that they are the correct lienholder that should be recorded. If the lien information on the application is erased and another lien is not shown, a statement of fact should be required from the lienholder stating that they have no interest in the vehicle; or the owner must complete a new application showing no erasures. Erasure of lienholder's name is not acceptable.

Address

An alteration of the lienholder's address on an application for Texas title is acceptable if the alteration is legible. If the lienholder is a "Bank" that has an accepted name used by many different banks located in various cities throughout the State, such as First State Bank, City National Bank, etc., an alteration of the lienholder's city on the application require the same evidence as if the lienholder's name was altered.

Rejected Form VTR-500-RTS

If a *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) has been issued and reported to the department and the transaction is subsequently rejected by the department and returned to the county tax assessor-collector's office at the request of the county tax assessor-collector's office, owner or lien holder to delete the lien information or add a new lienholder, the following apply:

- The correction must be processed in the Correct Title Rejection event.
- Issue a new *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) to record or remove (correct) the lien. The new receipt should indicate that no registration was issued.
- The $28/$33 application fee should not be applicable when it is a county tax assessor-collector's office error and a statement of fact from the county tax assessor-collector's office supports the issuance of a "NO CHARGE" correction.

Note: The old application and receipt should be submitted as evidence with the corrected title transaction. An "X" should be placed in the title number space of the old application to ensure that the corrected application is utilized when processed by the department.

Out of State Vehicles

If an alteration on a Manufacturer's Certificate of Origin (MCO) or out of state evidence shows a different lienholder's name, require a release or an affidavit of "non interest" from the originally recorded lienholder.

The notation of a lienholder's name with the word "Note" or "Lien" or the notation of amount of money plus the abbreviation for Chattel Mortgage (C.M.), Promissory Note (P.N.), or Conditional Sales Contract (C.S.C.) constitutes notice of a valid lien and must be carried forward or released. These simple notations may occur on Manufacturer's Certificates of Origin (MCOs), Texas titles, out of state titles, out of state registration receipts, bills of sale, or invoices.

The date of lien does not have to be shown on the face or on an assignment of an out of state title, a registration receipt from a non title state, a bill of sale, or invoice; however, a definite date must be established if the lien is carried forward to the Texas application.

Priority of Liens

All liens on motor vehicles should take priority according to the order of time they are recorded on the certificate of title. If a lien has been created by contract, prior to a subsequent one, and the subsequent lien is filed first then the subsequent lien has priority and is, in fact, the first lien. The first lien recorded remains the first lien even though a second lien is later recorded showing an earlier date, unless the first lienholder agrees in writing for the second recorded lien to appear as first lien. For information regarding the effect of liens on CCO applications see Title Records Recording a Lien.

The rules of priority as stated in the above paragraph apply except in the case of statutory liens or liens given by rule of law, such as a garage keeper's lien on a vehicle deemed abandoned under the provisions of Chapter 683 of the Transportation Code. If a vehicle is left in a storage facility and “deemed abandoned”, the owner or lienholder must redeem the vehicle by payment of the garage keeper's claim. Failure by the owner or lienholder to exercise their right to reclaim the vehicle is deemed a waiver of all right, title, and interest in the vehicle; and constitutes consent to the sale of the vehicle at a public auction. This statute nullifies a recorded lien under the conditions stated above and gives a garage keeper's lien first priority.

Errors and Forgery

If a former lienholder claims that their interest in a vehicle was released in error or by forgery, the matter must be settled in court or between the parties. The department does not enter into disputes of this nature.

Second Liens

A second lien may be recorded without releasing the first lien. The recorded owner may correct the title by adding a second lien; or if the owner sells the vehicle, the new owner may carry the original lien forward and add a second lien. The first lien must be carried forward to the new application as the first lien.

Joint Liens

Two or more persons holding the same lien constitute joint lienholders. Joint lienholders have equal rights and both must act in all cases in regard to their equity. Only one address should be shown for joint lienholders. First and second lienholders are **not** considered joint lienholders.

Lienholders’ Address

A lienholders’ address must include the street address or post office box number.

Note: Zip Code Numbers must be included as part of each mailing address appearing on title applications.

Corrected Titles

A lien may be recorded on an application for corrected title and a new title may be issued regardless of the fact that the vehicle may not be currently registered or the motor vehicle record indicates a Safety Responsibility Suspension.

Exempt Vehicles

Liens are valid against vehicles registered with exempt license plates, if properly recorded on certificates of title.

Et Al

A group of individuals may show their lien as “John Doe”, et al. (Et al means “and others” and is considered a company name.)

Liens on Component Parts

If a bill of sale for a component part of a motor vehicle (body, frame, motor) shows a recorded lien, the lien does not need to be released or carried forward to the application as under the Certificate of Title Act. A lien is only valid against the whole motor vehicle; however, a lien recorded on a title, which is used as a bill of sale for a component part, must be released or carried forward because such lien was not against a component part.

12.6 Income Tax Liens

The federal government may place a lien on the property of a delinquent taxpayer. Such a lien against a motor vehicle is valid whether filed or not. However, an Income Tax Lien does not have priority over a prior lien recorded on a certificate of title, unless it was recorded after the Income Tax Lien was filed. If the evidence reveals a recorded lien, it must be released. When motor vehicles are seized and sold by the IRS to satisfy a tax debt, a Form 97 is not needed.

An application for Texas title resulting from a sale to satisfy an Income Tax debt must be supported by either:

- A properly assigned title to the buyer; or
- A verification of the ownership from the state of origin.

Note: If verification of the ownership records from the state of origin cannot be obtained, the options available to obtain Texas title are as follows:

- Pursue a “Bonded” title, if they meet the requirements set out in the Transportation Code, §501.053;
- Obtain title in the other state, prior to transferring to Texas; or
- Pursue litigation through a court of competent jurisdiction.

12.7 Accessories Liens

Accessories liens are not valid (Transportation Code Section 501.004).

12.8 Restitution Liens

Code of Criminal Procedures, Article 42.22, Restitution Liens, provides for the filing of statutory liens on motor vehicle certificates of title to secure the amount of restitution, fines, or costs awarded to a crime victim or the state by a court in a criminal case.

A restitution lien may be established by a court order to a victim of a criminal offense (the term “victim” also includes a close relative of a deceased victim, or the guardian of a victim).

Lienholder

The lienholder name recorded on the application for a title must be the name of the court ordering restitution in the court order or judgment. For example:

County Court at Law # __
c/o Clerk of the Court
Mailing Address of Court

Filing/Perfection

A restitution lien against a motor vehicle must be perfected in accordance with Transportation Code Section 501.111, and may be filed by the victim or the attorney representing the state. To record a restitution lien, an application for a title must be supported by:

- The negotiable certificate of title in the name of or assigned to the defendant;
- *Application for Texas Title and/or Registration* (Form 130-U);
- *Additional Liens Statement* (Form VTR-267) if applicable;
- The original or a certified copy of the court order or judgment establishing the restitution lien and requiring the defendant to pay restitution, fines, or costs;
- An affidavit to perfect the restitution lien. The affidavit MUST be signed by the attorney representing the state or a magistrate and MUST include:
  - the name and date of birth of the defendant whose property or other interests are subject to the lien;
  - the residence or principal place of business of the defendant, if known;
  - the criminal proceeding giving rise to the lien, including the name of the court, the name of the case, and the court's file number for the case;
  - the name and address of the attorney representing the state and the name of the person entitled to restitution;
  - a statement that the notice is being filed under Code of Criminal Procedure, Article 42.22, Restitution Liens;
  - the amount of restitution and the amount of fines and costs the defendant has been ordered to pay by the court;
  - a statement that the amount of restitution owed at any one time may be less than the original balance and that the outstanding balance is reflected in the records of the clerk of the court hearing the criminal proceeding giving rise to the lien; and
  - the vehicle description and vehicle identification number.

Fees

The applicant must pay the applicable title application fee and the $5 filing fee required of the Code of Criminal Procedure, Article 42.22, Section 7 (b).

Priority

A restitution lien is subordinate (not superior) to other liens recorded on the surrendered evidence of ownership. If the surrendered evidence of ownership indicates a recorded lien, a restitution lien should be recorded as a second or third lien, whichever is applicable.

Release of Lien

The clerk of the court recorded as the lienholder on the certificate of title receives payments from the defendant and maintains a record of the outstanding balance of restitution, fines, or costs owed. A restitution lien expires on the 10th anniversary of the date the lien was filed or on the date the defendant satisfies the judgment creating the lien,

whichever occurs first. The person having an interest in the lien may re-file the lien before the date the lien expires. A lien that is re-filed expires on the 10th anniversary of the date the lien was re-filed or the date the defendant satisfies the judgment creating the lien, whichever occurs first.

12.9 Landowner’s Lien

Chapter 70, Property Code, provides for landowners to obtain a court order entitling them to a lien against the motor vehicle of a person who damages the landowner's fence, if that person is the vehicle owner, or has consented for someone to drive their motor vehicle that caused the damage.

Filing/Perfection

Liens may be perfected under this subchapter in the manner provided by Subchapter F, Chapter 501 of the Transportation Code. The lien is perfected when the department issues a subsequent title recording the lien. An application for Texas title to record a landowner’s lien must be supported by:

- a judgment signed by the judge of a county justice of the peace court or higher jurisdiction; or
- properly assigned ownership document; and
- an *Application for Texas Title and/or Registration* (Form 130-U) that discloses the lien accompanied by the title application fee.

Lien Amount

The amount of the lien is equal to or the lesser of:

- the fair market value of the motor vehicle when the fence was damaged; or
- actual cost to repair the fence and, if any livestock or other animals escaped due to the fence damage, to recapture the escaped livestock or other animals.

Release of Lien

The lien does not expire and is not discharged until the landowner receives payment.

Priority

A landowner’s lien is subordinate (not superior) to other liens recorded on the surrendered evidence of ownership or in the motor vehicle record. If a recorded lien is indicated, a landowner’s lien should be recorded as a second or third lien, whichever is applicable.

12.10 Child Support Liens

Note: Family Code, Chapter 157, Child Support Liens, provides for the filing of child support liens on motor vehicle certificates of title for past due, court ordered child support.

Filing/Perfection

Child support liens against motor vehicles must be perfected in accordance with Transportation Code Section 501.111. The lien is perfected when the department issues a title recording the lien. To record a child support lien, an application for a title must be supported by:

- The negotiable certificate of title in the name of or assigned to the obligor (the one who is required to make payments under the terms of a support order for a child);
- *Application for Texas Title and/or Registration* (Form 130-U);
- *Additional Liens Statement* (Form VTR-267) if applicable; and
- A Child Support Lien Notice, which has been filed with the county clerk's office or a certified copy of an abstract of judgment.

Priority

A child support lien is subordinate (not superior) to other liens recorded on the surrendered evidence of ownership. If the surrendered evidence of ownership indicates a recorded lien, a child support lien should be recorded as a second or third lien, whichever is applicable.

Release of Lien

A release of lien for a child support lien may be filed with the county clerk in the county in which the original Child Support Lien Notice was filed. An original release of lien from the county clerk is required to release the lien on a title.

12.11 Transfer of Equity

Assignment of Lien

Transportation Code Section 501.114

(a) A lienholder may assign a lien recorded under Section 501.113 without making any filing or giving any notice under this chapter. The lien assigned remains valid and perfected and retains its priority, securing the obligation assigned to the assignee, against transferees from and creditors of the debtor, including lien creditors, as defined by Section 9.102, Business & Commerce Code.

(b) An assignee or assignor may, but need not to retain the validity, perfection, and priority of the lien assigned, as evidence of the assignment of a lien recorded under Section 501.113:

(1) apply to the county assessor-collector for the assignee to be named as lienholder on the title; and

(2) notify the debtor of the assignment.

(c) Failure to make application under Subsection (b) or notify a debtor of an assignment does not create a cause of action against the recorded lienholder, the assignor, or the assignee or affect the continuation of the perfected status of the assigned lien in favor of the assignee against transferees from and creditors of the debtor, including lien creditors, as defined by Section 9.102, Business & Commerce Code.

(d) An application under Subsection (b) must be acknowledged by the assignee.

(e) On receipt of the completed application and fee, the department may:

(1) amend the department's records to substitute the assignee for the recorded lienholder; and

(2) issue a new title as provided by this chapter.

(f) The issuance of a title under Subsection (e) is recordation of the assignment.

(g) Regardless of whether application is made for the assignee to be named as lienholder on the title, the time of the recordation of a lien assigned under this section is considered to be the time the lien was initially recorded under Section 501.113.

(h) Notwithstanding Subsections (a)-(g) and procedures that may be conducted under those subsections, the assignment of a lien does not affect the procedures applicable to the foreclosure of a worker's lien under Chapter 70, Property Code, or the rights of the holder of a worker's lien. Notice given to the last known lienholder of record, as provided by that chapter, is adequate to allow foreclosure under that chapter.

(i) Notwithstanding Subsections (a)-(g) and the procedures that may be conducted under those subsections, the assignment of a lien does not affect the procedures applicable to the release of a holder's lien under Section 348.408, Finance Code.

Transportation Code Section 501.114 provides that the security interest in a motor vehicle may be transferred from the recorded lienholder to another lienholder.

Application for Texas Title

The new lienholder may file an *Application for Texas Title and/or Registration* (Form 130-U) to change the name of the lienholder on the current title without obtaining the recorded owner's signature on the form or the owner's identification**.** This may be accomplished by completing and filing an *Application for Texas Title and/or Registration* (Form 130-U) with the county tax assessor-collector's office in the recorded owner's or the new lienholder's county of residence. In addition, the information provided in the numbered fields below should be completed appropriately:

1. The "Add/Remove Lien" reason must be checked in the corrected title reason box.
2. Boxes 9 and 10- The odometer reading should be the same as reflected on the surrendered ownership evidence. The odometer brand must be the same as reflected on the surrendered ownership evidence. If an odometer brand is not reflected, the assignee for the new lienholder must indicate to the best of their knowledge a statement of actual mileage, not actual mileage, or mileage exceeds mechanical limits.

3. Box 16- If applicable, the name of the owner should be the same as reflected on the surrendered ownership evidence and be recorded as it appears on their government issued photo identification.
4. Box 18- The owner's address.
5. Box 24- The mailing address where registration renewals are mailed, if the address is different from the owner's address listed in Box 18.
6. Box 29 to 33- The lien information.
7. Certification box- Lien Transfer / No Change in Ownership should be indicated in the seller's signature area. The new lienholder or assignee of the new lien (not the owner) must sign and date the application.

Supporting Information

The *Application for Texas Title and/or Registration* (Form 130-U) must be supported by:

- A copy of the agreement (Transfer of Equity) completed by the assignor (recorded lienholder) and the assignee (new lienholder) specifying that the security interest in the vehicle described on the negotiable Texas Certificate of Title is being assigned or transferred.
- The negotiable certificate of title or certified copy reflecting the lien to be assigned or transferred.
- $28.00 or $33.00 application fee.

Note: Do not release the lien, because the recorded lienholder's date of lien carries forward to the new title.

12.12 Release of Liens

Transportation Code Section 501.115

(a) When a debt or claim secured by a lien has been satisfied, the lienholder shall, within a reasonable time not to exceed the maximum time allowed by Section 348.408, Finance Code, execute and deliver to the owner, or the owner's designee, a discharge of the lien in a manner prescribed by the department.

(b) The owner may submit the discharge and title to the department for a new title.

Upon the discharge of a lien(s), the lienholder shall deliver to the owner, or the owner's designee, a discharge of the lien within ten (10) days from receipt of final payment. The release may be executed on an original *Prescribed Form for Release of Lien* (Form VTR-266), the prescribed release of lien space located on the certificate of title, or on the lienholder's official letterhead.

Missing Records

If no record is found and every resource in the departments' records has been checked, counties may accept and process a title transaction to remove a lien, if the appropriate documentation is provided.

If the evidence of ownership indicates a lien, acceptable documentation includes a:

- Photocopy of an Original or Certified Copy of the Certificate of Title in the applicant's name, with an original release of lien, if applicable;
- Photocopy of a non-negotiable title in the applicant's name, with an original release of lien, if applicable;
- Photocopy of a Texas Vehicle Registration Receipt (regardless of the year of issuance) in the applicant's name; or a
- Photocopy of a *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) regardless of the year of issuance, in the applicant's name.

The applicant may submit an *Application for Texas Title and/or Registration* (Form 130-U), ownership evidence, original release of lien, and appropriate title fee to the county tax assessor-collector's office.

The transaction may be processed for title issuance.

Title issues as a negotiable title in the owner's name as shown on the evidence of ownership.

Executing Release of Liens

The release of a lien may be executed on the prescribed release of lien space located on the certificate of title, a *Prescribed Form for Release of Lien* (Form VTR-266), or a letter on company letterhead stating that the lien has been paid (must be signed and dated). The letter must contain the description of the vehicle or the certificate of title/document number. All release of liens must be original. All release of lien forms must be signed by the lienholder or show the lienholder's name and be signed by the lienholder's agent if the lien is recorded in a company name.

Note: A release of lien must be original. A photocopy, facsimile, or scan of a release of lien is not acceptable. Any mention of a release of lien herein is assumed to refer to an original in accordance with Texas Administrative Code, Rule §217.106.

First or Second Liens

First or second liens recorded on a Texas Certificate of Title may be released by using the prescribed space provided on the title. Liens recorded on Texas titles may be released as follows:

- The release of lien space provided on the face of the title need only be signed and dated by the lienholder or by an authorized agent acting for the lienholder.
- The release of lien space located on the backside of the old Dexigraph type titles issued prior to March 1968 must be dated and signed by the lienholder or by an agent authorized by the lienholder. The lienholder's name must be shown if the lien is in the name of a company, firm, or corporation.
- When one firm takes over another firm, they may release liens or transact business in their name by signing as "Successor to (other firm)" or as "Formerly (other firm)."
- In the event a joint (dual) lien is to be released, a different agent must sign for each lienholder, unless authority is attached for one agent to sign for both lienholders.

- If the recorded lienholder is an individual who is deceased and there is no administration on the estate, an *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) must be attached to the transaction.
- An agent signing for a company, firm, association, or corporation is not required to attach evidence of authority to a release. If the recorded lienholder is deceased, proper authority, such as Letters of Administration, etc., must be attached authorizing the signature. If there has been action against a company, firm, association, or corporation caused by "Operation of Law," proper authority for the agent to sign must be attached to the transaction.
- A release of lien is only acceptable if signed in ink.
- If a lienholder's name is recorded in error on a Texas title, the lien may be released, and/or an application for corrected title filed, provided an affidavit is attached from the lienholder stating that they are the correct lienholder and there is no such lienholder as that recorded on the certificate of title. In addition, a copy of the security agreement must be attached to the transaction.
- A first lien may be released and a second lien carried forward or a second lien may be released and a first lien carried forward.
- All releases of lien must show an individual's or agent's signature. Initials are not acceptable.
- An out of state lienholder may release their lien recorded on a Texas title in the same manner as a Texas lienholder; or the lien may be released by letter or by company paid stamp, dated and countersigned. A prescribed, original release of lien form from their home state is also acceptable.

Multiple Lienholders

No release of lien is necessary if the owner assigns the vehicle to the lienholder.

- In the case of two (dual) lienholders, a release of lien is not required from the second lienholder if the first lienholder repossesses the vehicle. If the repossession is by the second lienholder, a release of lien from the first lienholder is required.
- If a vehicle is repossessed under a recorded lien, a release of lien is not necessary, provided the *Repossessed Motor Vehicle Affidavit* (Form VTR-264) shows the same title number, as the surrendered title. The transaction should not be rejected for a release of lien. If, however, the lien is released, the release does not invalidate the transaction.
- If the lien upon which the repossession is based is not recorded on the title or on other evidence, no release of lien is necessary, but a certified copy of the security agreement and a repossession affidavit is required. The Texas title must be in the name of the person from whom the vehicle was repossessed or surrender of the title properly assigned to such person. The title must be secured in the name of the lienholder before further transfer.
- If a lien is held against a motor vehicle by joint lienholders, both of the lienholders may repossess; but when one of the joint lienholders repossesses, the other must release his interest, title must be assigned to him, or he shall transfer his equity to the lienholder repossessing.

- If the owner assigns the title to one of the joint lienholders, a release is required from the other.

Out of State Liens

No general rule can be set to govern the release of liens on out of state evidence. The procedure necessary for releasing out of state liens differs, in most cases, from state to state. Unless the release of lien falls under one of the following methods, it is not acceptable.

- If an out of state title provides a space for release of lien, it may be used if properly completed. Generally, it requires the lienholder's name, agent's signature, and date.
- Any out of state prescribed release of lien form, properly completed is acceptable. A lien filing receipt, properly released, is also acceptable.
- The owner(s) may assign the out of state title to the lienholder. This constitutes a release.
- Releases of lien by a state's lien recording agency (for filing security agreements) are acceptable. In this case, either the recording agency or the lienholder may release the lien.
- Liens may be released on the face of out of state evidence showing the word "Paid" or "Lien Satisfied" (stamped or written followed by name of lienholder, countersigned or initialed by an agent, and dated.
- Original or copies of original security agreements are acceptable as releases of lien if they are stamped "Paid" or "Lien Satisfied" with a company paid stamp. The stamped release must include the name of the lienholder, countersigned or initialed by an agent and dated. A written "Paid Statement" followed by the company's name is also acceptable.
- A signed and dated company letterhead, stating the lien has been paid is acceptable if the release contains the title/document number, the description of vehicle, or the lien information.
- When an out of state title has a lien recorded in favor of a motor company and in care of (c/o or %) a finance company, the lien may be released by either the motor or finance company.

  The notation "in care of" (c/o or %) on an application for Texas title signifies a mailing addresses. If a lienholder is recorded on a Texas title as:

  Last Bank of California
  % Union Bank of El Paso
  P. O. Box 123
  El Paso, Texas 79900

  The lienholder is the Last Bank of California; and the release must be executed by the Last Bank of California.
- Altered lien information on any surrendered evidence requires a release from the original lienholder or a statement from the proper authority of that state verifying the correct lien information.
- Liens released by the use of perforated paid stamps are not acceptable such as used on Florida titles.

Transfers of Equity

A release of lien is not required from the original lienholder when a transfer of equity is attached.

Manufacturer's Certificate of Origin (MCO)

A lien noted on a Manufacturer's Certificate of Origin (MCO) may be released by the use of a company paid stamp (must be dated and countersigned) or such release may be written. In either case, initials are not acceptable.

Court Orders

Releasing a recorded lien is a drastic measure; therefore, a court order may not be construed as having cleared all liens unless: (a) stated, (b) orders a vehicle sold free of all liens and encumbrances, or (c) the recorded lienholder is made a party to the suit. In other words, one cannot assume a lien has been cleared and evidence must be attached indicating that the lienholder's interest has been taken into consideration by the court. Court orders of the type stated above usually occur in settlement of estates, divorce proceedings, or cases when the lienholder is a party to the suit.

Electronic Lien

A paper release of lien is not acceptable with an active ELT. E-lienholders are required, as part of their Service Level Agreement with the department, to electronically release all liens filed with the department. Customers need to contact their lending institution that holds the electronic lien and request an electronic release. Once the ELT is released, a paper title will automatically be generated and mailed to the owner address on file. If the electronic release is due to a refinance, trade in, or insurance payout, the paper title will be sent directly to the third party recipient (e.g. Lender, Dealer, Insurance Company, etc.).

12.13 Liens Over 10 Years Old

Transportation Code Section 501.116

The department may cancel a discharged lien that has been recorded on a title for 10 years or more if the recorded lienholder:

(1) does not exist; or

(2) cannot be located for the owner to obtain a release of the lien.

If a lien has been recorded on a Texas title for 10 years or more and the lienholder cannot be located to obtain a release of lien, a statement of fact by the owner (person to whom title was issued) may be accepted. The statement of fact must state, "lien has been paid, and lienholder cannot be located." If the negotiable Texas Certificate of Title has been lost or if it was never received from the lienholder, the above statement of fact must support an application for corrected title filed in the name of the recorded owner in order to clear the lien. A record of ownership must be established in the owner's name before the department can issue title and indicate the lien has been recorded for at least 10 years.

If a Texas record indicates a lien has been recorded on a Texas title for 10 years or more and the lienholder is no longer in business or cannot be located by the applicant, a title may not be issued until adequate research is completed. Research must be performed to verify the lienholder has not merged with, or been bought out, by another entity which has assumed the original lienholder's assets.

A tax collector hearing, bonded title or court order would be necessary to clear a lien less than 10 years old if the owner cannot locate the lienholder.

12.14 Electronic Lien Title (ELT)

Transportation Code Section 501.117

(a) The department by rule shall develop a system under which a security interest in a motor vehicle may be perfected, assigned, discharged, and canceled electronically instead of by record maintained on a certificate of title. The department may establish categories of lienholders that may participate in the system and, except as provided by this section, may require a lienholder to participate in the system.

(b) The department shall publish and distribute procedures for using the system to county assessor-collectors and to financial institutions and other potential motor vehicle lienholders.

(c) The provisions of this chapter relating to perfecting, assigning, discharging, and canceling a security interest in a motor vehicle by record maintained on a certificate of title do not apply to the extent the security interest is governed by rules adopted under this section.

(d) The department may not require a depository institution, as defined by Section 180.002, Finance Code, to participate in the system if the department has issued fewer than 100 notifications of security interests in motor vehicles to the depository institution during a calendar year.

(e) The department may not require a depository institution, as defined by Section 180.002, Finance Code, to participate in the system:

(1) during 2011, if the department issues fewer than 200 notifications of security interests in motor vehicles to the depository institution between September 1, 2011, and December 31, 2011; and

(2) during 2012, if the depository institution was exempt under Subdivision (1) and the department issues fewer than 200 notifications of security interests in motor vehicles to the depository institution in 2012.

(f) This subsection and Subsection (d-1) expire January 1, 2013.

(g) The department by rule shall establish a reasonable schedule for compliance with the requirements of Subsection (a) for each category of lienholder that the department requires to participate in the system.

(h) The department may not:

(1) prohibit a lienholder from using an intermediary to access the system; or

(2) require a lienholder to use an intermediary to access the system.

The establishment of an electronic title system for lienholders removes the administrative burden placed on a lienholder in the processing, filing, and storage of paper titles. The ELT process suppresses the printing and mailing of paper certificates of title until the lien is paid off. The official certificate of title is an electronic title record held in the Registration and Title Systems' (RTS) database until a request for a paper title is received. Participation in ELT is optional for lienholders and owners.

Definitions

e-Title

e-Title is a title record that is held in an electronic status, which includes a title record with an electronic lien. e-Titles support only one lien entry. A paper title is not printed.

e-Lienholder or e-Title Lienholder

A financial institution which is certified and approved to submit ELT transactions.

Certified Lienholder

A financial institution whose official name and address have been certified by the department and is accessible in RTS to all counties for non-electronic title records. A certified lienholder may also be approved to be an e-Lienholder in order to submit ELT transactions.

Local Lienholder

A lienholder record created in RTS by a county tax assessor-collector’s office for their local use in entering non-electronic title records.

ELT Lienholder Certification

To be approved to participate in the ELT program, each financial institution must:

- have the technical expertise to provide File Transfer Protocol (FTP) internet file transfers and database updates or have a vendor who will provide these services for them.
- successfully complete technical validation testing.
- approve and sign an ELT service level agreement (SLA) which documents the responsibilities of both parties. The service level agreement provides the financial institution, their vendor, and the department with a contract that describes the responsibilities of each signee.

The ELT program requires that most communication between the department and the e-Lienholder concerning the status of an e-Title be accomplished over the internet by way of FTP file transfers. Most financial institutions will contract with independent vendors that provide internet electronic file transfers for a variety of clients. Validation testing of the department's technical requirements must be successfully completed to make sure the specifications follow AAMVA's file structure standards.

The process and forms necessary to apply to TxDMV to become an ELT certified lienholder can be found on TxDMV's web site at www.txdmv.gov/.

ELT Vendor Approval

A vendor, providing electronic data transfers for ELT lienholders, must meet TxDMV's technical specifications to participate in the ELT program. The process and forms necessary to apply to TxDMV to become a vendor for ELT lienholders can be found on TxDMV's web site at www.txdmv.gov/.

Application for an Electronic Lien Title

An *Application for Texas Title and/or Registration* (Form 130-U) filed with the county tax assessor-collector's office can include only one security interest (lien) if an electronic lien title is requested. If multiple lienholders are required then a paper certificate of title must be issued.

The basic application process for an electronic lien title is no different than for a paper certificate of title with a lien. Two additional fields on the application must be completed in order to make a valid request for an electronic lien title.

- Check "YES" for Electronic Title Request?
- Enter the 11 digit Certified Lienholder ID No.

The county tax assessor-collector's office should select "ETITLE" in the Lien Entry screen to access ELT Certified Lienholders.

ELT Remarks

The motor vehicle record remarks field accommodates two remarks associated with ELT.

- E-Title (Paperless Title)
- Paper Title (Printed Title)

Electronic Data Transmissions

The electronic data transmissions occurring between TxDMV and ELT Lienholders include:

- Message to lienholder that title was issued and lien has been perfected
- Release of lien from lienholder - automatically creates a new title record without a lien and the new title is mailed to the owner of record
- Notification of errors
- Release of lien from lienholder and request to mail title to third party (dealer pay-off due to trade-in) - automatically creates a new title record without a lien and the new title is mailed to the dealer, insurance company, etc.
- Title print request from lienholder, with lien intact (owner moving out of state before lien is paid), the lienholder can specify a mailing address. The paper title is mailed to the lienholder or address specified by the lienholder.

If a lienholder has questions concerning how to make a specific request, they should contact the department at by email at e-Liens@txdmv.gov.

Identifying a prior ELT Title

Use the following to identify a title previously issued by the ELT system:

- The document number always begins with the numerals **286**;
- The remark "E-TITLE PRINT DATE: [MM/DD/YYYY];
- Page 2 of Form 500, *Electronic Title Lien Release Evidence* contains a "**c/o *third party name"*** (care of).

Note: The E-TITLE PRINT DATE remark also displays when an E-Title record has been converted to paper with the lien still intact. In these situations the title is printed with the original document number.

Previously, if a vehicle was paid off by a third party (such as a dealer, insurance company, etc), the new title contained the original owner's name but also included a "**c/o *third party name"*** (care of) in the mailing address. As of February 25, 2013, when an electronic release of lien to a third party is received, the third party "c/o name and address" information no longer appears in the owner's name and address fields of the department's Motor Vehicle Record nor prints on the face of the title. Instead, the c/o information only prints on the mail tab portion of the title document and on page 2 of the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS), *Electronic Title Lien Release Evidence*. The *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) is immediately placed into title history following an electronic release of lien.

Owners Obtaining a Printed Title

Once a lien has been paid off, a paper title is automatically generated and mailed to the owner on record, or to a third party as specified by the financial institution who released the lien.

Prior to February 13, 2012, a paper title was not automatically printed and sent to the owner when an ELT was paid off. Prior to that date, when an ELT was released the lien was removed however, the title was not printed and remained an e-title. If an ELT was released prior to February 13, 2012, and the owner requests a paper title or Certified Copy of Title, one is provided at no charge.

Chapter 13

VEHICLE IDENTIFICATION NUMBERS

This chapter contains the following sections:

- ***13.1*** Vehicle Identification Number (VIN) Overview
- ***13.2*** Motor Numbers
- ***13.3*** Serial Numbers
- ***13.4*** Motorcycles and Motor Scooters
- ***13.5*** House Trailers, Trailers, and Semitrailers
- ***13.6*** Reassigned Vehicle Identification Number (VIN)
- ***13.7*** Assignment of Identification Number by Department
- ***13.8*** Homemade/Shopmade House Trailers (HT Prefix Numbers), and Trailers & Semitrailers (TR Prefix Numbers)
- ***13.9*** After Installation of Assigned Numbers
- ***13.10*** Cancellation of Assigned Number
- ***13.11*** Number Assigned by Another State
- ***13.12*** VIN Standards (Processing of 'I' and 'O')
- ***13.13*** Seized and Forfeited Vehicles
- ***13.14*** Recovered Out of State Stolen Vehicles

13.1 Vehicle Identification Number (VIN) Overview

For title and registration purposes, the department recognizes the motor number, or the serial number of the body or frame as the principal means of identification of all vehicles registered and titled in this State.

Definitions

Transportation Code Section 501.002 (15) (24)

(15) "Manufacturer's permanent vehicle identification number" means the number affixed by the manufacturer to a motor vehicle in a manner and place easily accessible for physical examination and die-stamped or otherwise permanently affixed on one or more removable parts of the vehicle.

(24)"Serial number" means a vehicle identification number that is affixed to a part of a motor vehicle and that is:

(A) the manufacturer's permanent vehicle identification number;

(B) a derivative number of the manufacturer's permanent vehicle identification number;

(C) the motor number; or

(D) the vehicle identification number assigned by the department.

All motor vehicles, house trailers, trailers, and semitrailers required to be titled under the provisions of the Certificate of Title Act, are required to have an identification number affixed to or imprinted on the vehicle.

Vehicle Major Component Parts

There are numerous major component parts of a vehicle; however, the three basic component parts of a motor vehicle are the motor, frame, and body. One or more of these component parts may contain a manufacturer's identification number, but the department recognizes only one VIN for title and registration purposes. The following indicates the component part of a motor vehicle upon which the recognized VIN appears and the type of ownership evidence necessary to transfer such component part.

Body

The serial number of the body is recognized as the VIN on all 1956 and later model motor vehicles and all 1949 and later model Ford products, and the certificate of title should be used to transfer ownership of a body when it is sold or disposed of except certain Volkswagens (see Volkswagen Beetle).

Frame

Commercial Vehicles

The serial number of the frame is recognized as the VIN on all commercial vehicles. The certificate of title should be used to transfer ownership of a frame from a commercial vehicle.

Non Commercial Vehicles

The serial number of the frame is recognized as the VIN on all Ford products manufactured from March 31, 1932 through the 1948-year models and on all 1955 through 1967-year model Cadillacs. However, it is not necessary that the certificate of title be used to transfer ownership when these frames are sold or disposed of unless the vehicle from which the frame was removed has been salvaged or destroyed by the owner. The frame of a non-commercial vehicle should be sold on a bill of sale.

Volkswagen Beetle

Volkswagen Beetle models have a number located on the floor pan (frame), and this number is recognized as the VIN on all 1956 and later year models. The certificate of title covering such a floor pan (or floor pan and chassis) must remain with the floor pan and be used to transfer ownership. The body of these Volkswagens may be transferred on a bill of sale. Other Volkswagens (not Beetle models) have a body serial number, which is recognized as the VIN. In this case, the certificate of title should remain with the body and be used to transfer ownership.

In the event the certificate of title covering a vehicle body or Volkswagen Beetle floor pan has been surrendered to the department, then such body or Volkswagen floor pan may be sold on a bill of sale. The bill of sale must contain a statement to that effect, and the statement must include the description of the vehicle, title number under which the vehicle was titled, the salvage dealer or the salvage yard inventory number, and date on which the title was surrendered.

Motor

The motor number is recognized as the identifying number on all 1955 and prior model vehicles, except Ford products manufactured since March 31, 1932. However, a certificate of title should not be used to transfer ownership of a motor. The motor of the vehicle should be sold on a bill sale. The title to the vehicle from which the motor was removed should be marked "body only."

Junked Vehicles

If an individual or business surrenders a title to the department, they mark the records to indicate the vehicle as junked**.** If the component part (body or Volkswagen floor pan, see Volkswagen Beetle) is sold after the title has been surrendered, a *Component Part(s) Bill of Sale* (Form VTR-63) is acceptable as evidence of ownership. The bill of sale must record the title number and description of vehicle as recorded on the surrendered title. However, if the title record is not marked "junked", the owner must provide the title to support the application.

Note: The body and frame of an otherwise nonrepairable (junk) vehicle (that cannot be repaired, rebuilt, or reconstructed for on-road use) cannot be used to repair, rebuild, reconstruct, or assemble another vehicle.

1955 and Prior Vehicles

On 1955 and prior model motor vehicles registered and titled in Texas, the motor number is the principal means of identification, except Ford products manufactured since March 31, 1932. Motor numbers are die stamped on the engine blocks. Raised or die cast numbers are part numbers and should be disregarded.

Beginning with the 1956 model motor vehicles, the serial number of the body or frame is the principal means of identification and known as the "vehicle identification number (VIN)". The words "permanent identification number" and "serial number" are sometimes used to refer to the official VIN.

1968 and Later Vehicles

Effective with all 1968 American manufactured passenger vehicles, the VIN was required to be visible through the left side of the windshield (driver's side). Effective September 1, 1981, all over the road vehicles manufactured in the United States, or manufactured for import into the United States with a gross vehicle weight of 10,000 pounds or less, were required to have the VIN visible through the left side of the windshield.

1981 and Later Vehicles

Effective with 1981-year model vehicles, the National Highway Traffic Safety Administration, Department of Transportation, required manufacturers selling vehicles in the United States to produce the vehicles with a 17-character VIN. This standard establishes a fixed VIN format with unique manufacturer identifiers and applies to all passenger cars, multi purpose passenger vehicles, trucks, buses, incomplete vehicles, and motorcycles.

Manufacturer's VIN

The VIN which is stamped or affixed on the vehicle by the manufacturer and which appears on the Manufacturer's Certificate of Origin is the number recognized by the department as the VIN for title and registration purposes.

1995 and Later GM Vehicles

Effective November 1995, the VIN of all General Motors Corporation (GM) non-saleable vehicles, which is a prototype or pilot, whether full 17-character VIN or VIN-derivatives of nine characters, ends in the letters "EX" instead of numeric characters. This distinguishes non-saleable GM vehicles from other GM vehicles, which are saleable. The "EX" in the last two positions of the VIN derivative of a GM vehicle is a signal that the vehicle is not to be sold, registered, or titled.

Prefixes and Suffixes

Prefixes and suffixes are required to prevent the duplication of numbers; and a prefix, a suffix, or both must be shown on all motor numbers starting with the 1946 models (on 1940 and later international trucks) and on all VINs starting with 1956 models when the vehicle manufacturer has used them. (The prefixes on international trucks are usually found above the basic motor number.) If a Texas title has been issued in error by omitting any part of the prefix or by completely omitting the prefix or the suffix of a motor or VIN, refer to Chapter 7, "Corrections" for correction procedures.

13.2 Motor Numbers

The motor number is recognized as the identifying number on all Ford products manufactured prior to March 31, 1932; and, if necessary, an assigned number may be issued by the department. The frame or body serial number is recognized as the identifying number on Ford products manufactured after that date, except as listed below:

- Most Ford vehicles manufactured in a foreign country have a motor number stamped on the block, and for models prior to1956, this number should be shown on the application for Texas title.
- "Jeeps" manufactured by the Ford Company have a motor number stamped on the block that is different from the number on the frame. This motor number should be shown on the application for Texas title. Since these vehicles were manufactured prior to 1946, the prefix "GP" or "GPA" is not required unless there is a duplication of basic motor numbers.

Motor Number Required for Vehicle Registration

Transportation Code Section 501.0331

A person may not apply to the county tax assessor-collector for the registration of a motor vehicle from which the original motor number has been removed, erased, or destroyed until the motor vehicle bears the motor number assigned by the department.

Application for Motor Number Record

Transportation Code Section 501.0332

(a) To obtain a motor number assigned by the department, the owner of a motor vehicle that has had the original motor number removed, erased, or destroyed must file a sworn application with the department.

(b) The department shall maintain a record of each motor number assigned by the department that includes:

(1) the motor number assigned by the department;

(2) the name and address of the owner of the motor vehicle; and

(3) the make, model, and year of manufacture of the motor vehicle.

13.3 Serial Numbers

On 1956 and later model motor vehicles (1949 and later model Ford products), the serial number of the body or frame is recognized as the vehicle identification number (VIN), except for Cadillacs and Volkswagens.

The serial number of the frame is the principal means of identification on all Ford products manufactured from March 31, 1932, through the 1948-year models and on all 1956 through 1967-year model Cadillacs. Volkswagen Beetle models have a serial number located on the floor pan (frame), and such number is the VIN on all 1956 and later models. On all 1956 and later Volkswagens, other than the Beetle models, the serial number of the body is the vehicle identification number.

The serial number is the principal means of identification on all model house trailers, trailers, and semitrailers.

Note: The National Highway Traffic Safety Administration (NHTSA) regulates motor vehicles manufactured primarily for use on public streets, roads, or highways. Vehicles that are regulated by NHTSA are required to have 17-digit VINs. However, Texas requires titling of ROVs, ATVs and some trailers, which are not regulated by NHTSA; therefore, these vehicles may not have a 17-digit VIN. For ROVs, ATVs and trailers that do not have a 17-digit VIN, a serial number is acceptable in lieu of a VIN.

13.4 Motorcycles and Motor Scooters

The use of either the motor number or frame number (serial number) was acceptable as the identifying number on 1970 and prior year model motorcycles and motor scooter-type vehicles; however, beginning with 1971 and subsequent year model motorcycles and motor scooters, the serial number of the frame is recognized as the legal identifying number.

13.5 House Trailers, Trailers, and Semitrailers

Identification Numbers

The principal means of identification for house (travel) trailers, trailers, and semitrailers is the vehicle identification number (VIN) or serial number. All house (travel) trailers, trailers, and semitrailers that are required to be titled (or being optionally titled) must have a VIN or serial number.

If a VIN or serial number cannot be located, the owner must obtain a VIN inspection on a *Law Enforcement Identification Number Inspection* (Form VTR-68-A) and apply for an assigned number from the department.

Trailers Without Frames

Trailers and semitrailers without frames (usually butane or propane) of the double tank variety which have two different identification numbers (one on each tank) are to be identified for title and registration purposes by the identification number located on the right tank. The right tank is defined as the tank nearest the curb or shoulder of the road, in order that an officer in stopping such a trailer may inspect the identification number without standing next to the lane of traffic.

Homemade Trailers

Non-titled homemade or shop made trailers, semitrailers, farm trailers, and farm semitrailers are not required to have or obtain an assigned number to be registered. However, owners of these non-titled trailers and semitrailers are encouraged to obtain an assigned number to aid in the identification of their property in the event it is stolen. (See Non-Titled)

13.6 Reassigned Vehicle Identification Number (VIN)

If a VIN on a Ford product manufactured after March 31, 1932, or on any other 1956 or later year model passenger car, truck, trailer, or semitrailer has been removed, changed, or obliterated, the department reissues the original manufacturer's VIN, provided such number can be verified by a law enforcement officer who is a member of one of the agencies listed below.

Reissuing VINs

Application to reissue the original manufacturer's VIN is made on the *Law Enforcement Identification Number Inspection* (Form VTR-68-A) which is a combined application and inspection report.

Inspection

The inspection report must be completed by a law enforcement officer who is a member of one of the following agencies:

- Municipal Police Auto Theft Unit;
- County Sheriff’s Department Auto Theft Unit;
- Federal Bureau of Investigation;
- Texas Department of Public Safety Criminal Investigations Division; or
- National Insurance Crime Bureau (NICB) Vehicle Theft Investigators.

Completion of the form by a member of one of these agencies insures uniformity of the inspection process and that only trained Auto Theft Investigators certify the authenticity of inspected vehicles.

Issuance and Installation

If the manufacturer's VIN is verified, the *Law Enforcement Identification Number Inspection* (Form VTR-68-A), ownership evidence, and the vehicle must be taken to the nearest TxDMV Regional Service Center for issuance and installation of the reassigned number. The department affixes a Texas VIN decal bearing the same VIN as originally placed on the vehicle by the manufacturer on the left front door post of a motor vehicle. The reassigned VIN decal is affixed to the permanent part on the lower front right side of a trailer or semitrailer. The reassigned VIN decal is affixed on the right front of the frame on an open part and accessible place which extends beyond the body of a travel trailer.

After the reassigned number has been installed, the owner must sign a *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N) acknowledging the reassigned number was installed by the TxDMV Regional Service Center.

Note: If an application for a reassigned number is not supported by a court order instructing the department to reassign the specific identification number found by law enforcement, then the department may only assign a new department number and a corrected title would be required to record the new identification number.

Missing Identification Numbers

When a vehicle does not have a valid manufacturer's identification number, the county tax assessor-collector's office cannot accept an *Application for Texas Title and/or Registration* (Form 130-U) until an identification number has been reissued or assigned by the department. The only exception is if the vehicle is non-titled and will only be obtaining registration.

Title Implications

A corrected title is not necessary when the original manufacturer's identification number is reassigned by the department. However, if the ownership evidence is assigned to the applicant, the reassigned number must be installed by the department prior to submitting an application to the county tax assessor-collector's office.

13.7 Assignment of Identification Number by Department

Transportation Code Section 501.033

(a) A person determined by law enforcement or a court to be the owner of a motor vehicle, travel trailer, semitrailer, or trailer, a part of a motor vehicle, travel trailer, semitrailer, or trailer, a frame, or an item of equipment including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment may apply to the department for an assigned vehicle identification number that has been removed, altered, obliterated, or has never been assigned.

(b) An application under this section must be in a manner prescribed by the department and accompanied by valid evidence of ownership as required by the department.

(c) A fee of $2 must accompany each application under this section to be deposited in the Texas Department of Motor Vehicles fund.

(d) The assigned vehicle identification number shall be die-stamped or otherwise affixed in the manner designated by the department.

(e) If the auto theft unit of a county or municipal law enforcement agency conducts an inspection required by the department under this section, the agency may impose a fee of $40. The county or municipal treasurer shall credit the fee to the general fund of the county or municipality, as applicable, to defray the agency's cost associated with the inspection. The fee shall be waived by the department or agency imposing the fee if the person applying under this section is the current registered owner.

This section provides for the issuance of assigned numbers by the department and further provides that a person who has been determined to be the rightful owner of a motor vehicle or part of a motor vehicle that has had the serial number, the motor number, or the manufacturer's VIN removed, changed, obliterated or had never been assigned must make application to the department for an assigned identification number, within thirty (30) days of such determination. Upon being presented with an application supported by satisfactory evidence of ownership, the department either reissues the original manufacturer’s VIN or issues an assigned VIN, motor number, serial number, or component part number. The fee for the issuance of assigned or reassigned numbers is two dollars ($2.00).

A county or municipal auto theft law enforcement agency may charge a fee of $40 for the inspection. The agency must waive the fee if the person applying for the inspection is the current registered owner.

Note: Tax assessor-collector hearing orders are acceptable for issuance of assigned numbers; however, only a court order is valid for reassigned numbers.

Texas assigned Vehicle Identification Numbers (TEX Prefix Numbers) are issued for 1956 and later model motor vehicles and for Ford products manufactured since March 31, 1932. The numbers are affixed to vehicles on which no identification numbers were ever affixed by the manufacturers; or the original manufacturer's VIN has been removed, changed, or obliterated; and the true identification number cannot be verified.

TEX Prefix Numbers may be issued provided ownership is determined in the name of the applicant. Such numbers are also issued for all assembled vehicles that require assigned numbers and for motorcycles. Assigned VINs consist of the prefix “TEX” followed by six digits and are die-stamped on the vehicle in a location prescribed by the department.

Altered Manufacturer's VIN

If the manufacturer's VIN has been removed, changed, or obliterated and the true identity of the vehicle cannot be determined by the inspecting officer, the owner must obtain a court order or Tax Collector's Hearing Order to establish ownership.

Application

Applications for assigned vehicle identification numbers must be made on an *Law Enforcement Identification Number Inspection* (Form VTR-68-A). The inspection report section must be completed by a qualified auto theft investigator as listed in the certification section of that form.

The *Law Enforcement Identification Number Inspection* (Form VTR-68-A) together with ownership evidence or court order establishing ownership in the applicant's name and the $2.00 fee may be mailed or submitted in person to a TxDMV Regional Service Center.

Approval and Installation

Upon approval of the application, the Regional Service Center provides the applicant a *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N), a copy of the approved *Law Enforcement Identification Number Inspection* (Form VTR-68-A)**,** and returns the ownership evidence that the applicant provided with the *Law Enforcement Identification Number Inspection* (Form VTR-68-A).

The assigned number as shown on the *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N) must be die-stamped on the vehicle as follows:

1. The number should be die-stamped on the left front door post of the vehicle.
2. If the left front door post is inaccessible due to the construction of the vehicle, as in the case of some assembled or stripped down vehicles, the number is die-stamped on a portion of the frame forward of the passenger compartment on the driver's side of the vehicle.
3. If the vehicle is a Volkswagen or if a Volkswagen floor pan was used in the vehicle construction, the assigned number is die-stamped on the frame tunnel in the vicinity where the manufacturer's VIN was located.
4. If an assigned number is issued to a motorcycle, the number is die-stamped on the frame down tube near the steering head on the left or right side.

Note: An assigned number may not be die-stamped in the space where the original number appeared.

Exempt Agency Vehicles

In obtaining an assigned number for a vehicle owned by an exempt agency, the same procedures apply except that no fees are required for the assigned numbers.

13.8 Homemade/Shopmade House Trailers (HT Prefix Numbers), and Trailers & Semitrailers (TR Prefix Numbers)

Transportation Code Section 501.032

(a) On proper application, the department shall assign a vehicle identification number to a travel trailer, a trailer or semitrailer, a frame, or an item of equipment, including a tractor, farm implement, unit of special mobile equipment, or unit of off-road construction equipment:

(1) on which a vehicle identification number was not die-stamped by the manufacturer; or

(2) on which a vehicle identification number die-stamped by the manufacturer has been lost, removed, or obliterated; or

(3) for which a vehicle identification number was never assigned.

(b) The applicant shall die-stamp the assigned vehicle identification number at the place designated by the department on the travel trailer, trailer, semitrailer, frame, or equipment.

(c) The manufacturer's vehicle identification number or the vehicle identification number assigned by the department shall be affixed on the carriage or axle part of the travel trailer, trailer, or semitrailer. The department shall use the number as the major identification of the vehicle in the issuance of a title.

(d) Only the department may issue vehicle identification numbers.

All homemade or shopmade house (travel) trailers, and homemade or shopmade trailers or semitrailers that are required to be titled must be issued an assigned serial number.

Assigned serial numbers may also be issued for non-titled homemade or shopmade trailers, semitrailers, farm trailers and farm semitrailers if the owner chooses to have an assigned serial number issued. These include:

- trailers that have an empty weight of 4,000 lbs. or less
- semitrailers that have a gross weight of 4,000 lbs. or less
- farm trailers or farm semitrailers that have a gross weight of 34,000 lbs. or less

Note: The owner of a farm semitrailer (not a farm trailer) that has a gross weight of over 4,000 lbs. and not more than 34,000 lbs. may be issued a title if the owner so chooses. An assigned serial number would be required in order to issue a title in this case.

If a serial number cannot be located on a house (travel) trailer, trailer or semitrailer, the owner must apply on the *Law Enforcement Identification Number Inspection* (Form VTR-68-A) for an assigned serial number from this department.

For trailers, semitrailers, and house (travel) trailers on which the manufacturer’s serial number has been removed, changed, or obliterated, the applicant submits the completed *Law Enforcement Identification Number Inspection* (Form VTR-68-A), $2.00 fee, and the trailer, semitrailer, or house (travel) trailer to the nearest TxDMV Regional Service Center.

If a reassigned serial number is issued to a:

- Trailer or semitrailer affix the reassigned VIN decal to the permanent part of the trailer on the lower front right side.

- House (travel) trailer affix the reassigned VIN decal on the right front of the frame, on an open part and in an accessible place, which extends beyond the body.

Note: Assigned serial numbers may also be issued for non-titled, homemade or shopmade trailers, semitrailers, farm trailers, and semitrailers if the owner chooses to have an assigned serial number issued.

Application

Application for an assigned serial number for a house (travel) trailer, trailer, or semitrailer must be made on the *Law Enforcement Identification Number Inspection* (Form VTR-68-A). The inspection report on the application must be completed by a law enforcement officer as described in Inspection.

A photograph of “shopmade” and “homemade” trailers, semitrailers, and house (travel) trailers is required to support the *Law Enforcement Identification Number Inspection* (Form VTR-68-A).

The *Law Enforcement Identification Number Inspection* (Form VTR-68-A), $2.00 fee, and ownership evidence, must be submitted to a TxDMV Regional Service Center. A Tax Collector’s Hearing or court order establishing ownership in the applicant's name is required to support the application when the manufacturer's serial number has been removed, changed, or obliterated and the true identity of the vehicle cannot be determined.

Installation

Upon approval of the application, the department provides a *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N) providing the assigned number to the applicant.

- Assigned house trailer serial numbers have an “HT” prefix followed by six digits. These assigned numbers must be die stamped in an accessible place on the frame that extends beyond the house trailer body.
- Assigned serial numbers for trailers and semitrailers have a “TR” prefix followed by six digits. These assigned serial numbers must be die stamped on the right side of a permanent part of the frame forward of the axle or tandem assembly.

After the assigned number has been die-stamped on the vehicle, the *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N) must be signed by the owner and an application for Texas title should be filed supported by the completed *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N), a copy of the approved *Law Enforcement Identification Number Inspection* (Form VTR-68-A) and evidence of ownership for the vehicle.

Non-Titled

Non-titled homemade or shopmade trailers, semitrailers, farm trailers, and farm semitrailers are not required to obtain an assigned serial number or VIN. However, owners of these non-titled trailers and semitrailers are encouraged to obtain an assigned serial number to aid in the identification of their property in the event it is stolen. An assigned serial number can be processed by a Regional Service Center as outlined above.

When processing a non-titled homemade or shop made vehicle, that does not have a VIN or an assigned serial number, leave the VIN field blank, do not insert zeros or other "filler" numbers or letters in the field. The license plate number will be the appropriate identifier for these vehicles. If the vehicle is sold, and the license plate number is to be changed, the new owner may either apply for an assigned serial number at a Regional Service Center, or use the new license plate number as the appropriate identifier for the vehicle.

Note: Trailers with a GVW under 4,000 lbs may be optionally titled. Owners desiring to exercise the option to title, must have a manufacturer's assigned VIN or have one assigned by the Department.

13.9 After Installation of Assigned Numbers

When an assigned number has been placed on the vehicle and the *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N) has been properly completed, an application for corrected title must be filed with the applicant's county tax assessor-collector's office. The *Application for Texas Title and/or Registration* (Form 130-U) must record the new number assigned by the department. The following documents must be submitted with the application:

- The *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N)
- Copy of the *Law Enforcement Identification Number Inspection* (Form VTR-68-A)
- Ownership Evidence (Texas title, out of state title, registration receipt from non-title state, court order, bill of sale, etc.)
- Original Vehicle Inspection Report issued by a vehicle safety inspection station containing an original inspector's signature if the vehicle was last titled outside of Texas.
- If the vehicle is "Rebuilt," "Reconstructed," or "Assembled," then additional evidence may be required, such as photographs or *Rebuilt Vehicle Statement* (Form VTR-61).

Assigned Equipment Numbers

Assigned and Reassigned Equipment Numbers are available for tractors, farm implements, special mobile equipment, and off road construction equipment. The procedure for applying for an assigned or reassigned number for equipment is the same as for other vehicles; however, the department issues no vehicle identification number decal. The applicant must die-stamp the number issued to them by the Regional Service Center on the equipment.

Assigned Component Part Numbers

Correction of title is not necessary when an assigned component part number is issued unless the identifying number on such component part is the VIN of a particular vehicle.

13.10 Cancellation of Assigned Number

If a person to whom an assigned VIN, motor number, or serial number has been issued finds that the assigned number is unnecessary, the *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N) must be returned to the department for cancellation with a statement explaining the reason the number was not used.

13.11 Number Assigned by Another State

Evidence showing a number assigned by another state is acceptable. If the vehicle is a Ford product manufactured since March 31, 1932, the frame or body number (not the assigned motor number) must be shown on the application for Texas title. The reason is that assigned numbers issued by some states are stamped on the motor block on Ford products, and Texas recognizes the number on the frame or body on Ford products manufactured since March 31, 1932.

13.12 VIN Standards (Processing of 'I' and 'O')

VIN standards were adopted by the National Highway Traffic Safety Administration in 1981. It required all highway legal vehicles to contain a 17-character VIN, which does not include the letters I (i), O (o), or Q (q) to avoid confusion with the numbers 1 and 0.

RTS is programmed to conform to the above VIN Standards. RTS will allow the letter Q in the VIN; however, if the letters I (i) or O (o) is entered in the VIN, RTS automatically changes these to 1 or 0. For example if NEWBOGUSVIN123456 or OLDSHORTVIN are entered into RTS, they will be changed to NEWB0GUSV1N123456 or 0LDSH0RTV1N. This feature of RTS generally helps reduce the number of errors entered into the system since it conforms to standards after 1981.

There are two small subsets of vehicles where this is not an advantage. The first is vehicles manufactured prior to the 1981 standards that may have a legitimate I (i) or O (o) in the VIN by the manufacturer. The second is assigned VINs from another state that may include the letters I (i) or O (o) in the VIN. Since RTS changes these characters, all titles and all receipts will only print 1 (one) and 0 (zero) in these cases.

13.13 Seized and Forfeited Vehicles

If the manufacturer's identification number has been removed, changed, or obliterated on any vehicle or component part which has been seized and ordered forfeited to the State under the provisions of Transportation Code Section 501.158 or on any abandoned vehicle taken into custody by a law enforcement agency under the provisions of the Abandoned Motor Vehicle Act, Conflict of Laws; Effect on Other Laws, an assigned number must be obtained and affixed to the vehicle or component part prior to the sale or disposition of the vehicle or component. The department issues the selling or disposing agency an assigned number at no charge.

13.14 Recovered Out of State Stolen Vehicles

When an out of state stolen vehicle with a fraudulent VIN is recovered in Texas, the incorrect VIN must be removed. To assist in law enforcement efforts, an assigned or reassigned VIN may be issued to a stolen vehicle that is recovered in Texas, regardless of whether or not the rightful owner of the vehicle is a Texas resident. The law enforcement agency removes the fraudulent VIN and applies to a magistrate to declare the recovered vehicle stolen and to issue an order requiring its return to the rightful owner (under Chapter 47, Code of Criminal Procedure).

Law enforcement completes and submits a *Law Enforcement Identification Number Inspection* (Form VTR-68-A) to the Regional Service Center. The Regional Service Center then issues the assigned or reassigned VIN at no charge to the law enforcement agency. The Regional Service Center provides a *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N) and a copy of the completed *Law Enforcement Identification Number Inspection* (Form VTR-68-A) to the submitting law enforcement agency. Disposition of the assigned or reassigned VIN, forms, recovered vehicle, etc. is at the discretion of the law enforcement agency.

Justice of the Peace (JP) Orders

Refer to Chapter 21, Section 21.5 Justice of the Peace Orders.

Chapter 14

VEHICLE TYPES

This chapter contains the following sections:

- ***14.1*** Definitions
- ***14.2*** Motorcycle
- ***14.3*** Moped
- ***14.4*** Trailer/Semitrailer
- ***14.5*** Homemade/Shopmade Trailers or Semitrailers
- ***14.6*** Farm Trailer/Farm Semitrailer
- ***14.7*** House, Camper, and Travel Trailers
- ***14.8*** Park Model Trailers
- ***14.9*** Mobile Office Trailers
- ***14.10*** Motor Homes
- ***14.11*** Golf Carts and Other Miniature Type Vehicles
- ***14.12*** Neighborhood Electric Vehicles
- ***14.13*** Off-Highway Use Vehicles
- ***14.14*** Miscellaneous Vehicle Types

14.1 Definitions

Transportation Code Section 501.002 (17)

In this chapter:

(1) "Motor vehicle" means:

(A) any motor driven or propelled vehicle required to be registered under the laws of this state;

(B) a trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 pounds;

(C) a travel trailer;

(D) an all-terrain vehicle or a recreational off-highway vehicle, as those terms are defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or

(E) a motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state.

Transportation Code Section 502.001 (7) (39-a)

(7) "Commercial motor vehicle" means a motor vehicle, other than a motorcycle, designed or used primarily to transport property. the term includes a passenger car reconstructed and used primarily for delivery purposes. the term does not include a passenger car used to deliver the United States mail.

(39-a) "Shipping weight" means the weight generally accepted as the empty weight of a vehicle.

Transportation Code Section 548.001 (1)

(1) "Commercial motor vehicle" means a self-propelled or towed vehicle, other than a farm vehicle with a gross weight, registered weight, or gross weight rating of less than 48,000 pounds, that is used on a public highway to transport passengers or cargo if:

(A) the vehicle, including a school activity bus as defined in Section 541.201, or combination of vehicles has a gross weight, registered weight, or gross weight rating of more than 26,000 pounds;

(B) the vehicle, including a school activity bus as defined in Section 541.201, is designed or used to transport more than 15 passengers, including the driver; or

(C) the vehicle is used to transport hazardous materials in a quantity requiring placarding by a regulation issued under the Hazardous Materials Transportation Act (49 U.S.C. Section 5101 et seq.).

Transportation Code Section 541.201 (7) (12)

(7)"Light truck" means a truck, including a pickup truck, panel delivery truck, or carryall truck, that has a manufacturer's rated carrying capacity of 2,000 pounds or less.

(12)"Passenger car" means a motor vehicle, other than a motorcycle, used to transport persons and designed to accommodate 10 or fewer passengers, including the operator.

14.2 Motorcycle

Motorcycle has the definition assigned by either Transportation Code, Section 521.001, or Transportation Code, Section 541.201. Regardless of which definition the motor vehicle meets, it is titled and registered as a motorcycle. However, depending on which definition a motorcycle may fall under will impact how the Texas Department of Public Safety recognizes the vehicle for licensing operators and inspecting the vehicle. Questions pertaining to operator licenses, vehicle inspections, safety course requirements, and head gear requirements should be directed to the TxDPS Motorcycle/ATV Safety Unit at (512) 424-2021 or motorcycle.safety@dps.texas.gov.

Title requirements for motorcycles are the same as for other motor vehicles.

Motorcycles, motor driven cycles, and mopeds designed for and used exclusively on golf courses cannot be titled**.**

All other motorcycles, except as stated above, are titled regardless of whether or not they require registration.

Motorcycle

Transportation Code, Section 541.201, contains the definition of a motorcycle as it is generally termed. In this section, motorcycle means "a motor vehicle, other than a tractor, that is equipped with a rider's saddle and designed to have when propelled not more than three wheels on the ground."

Autocycle

Transportation Code, Section 501.008 and 502.004, provides the definition for an autocycle and how such vehicles are titled and registered.

In these sections, an autocycle is:

- a motor vehicle other than a tractor;
- designed to have, when propelled, not more than three wheels on the ground;
- equipped with a steering wheel;
- equipped with seating that does not require the operator to straddle or sit astride the seat; and
- manufactured and certified to comply with federal safety requirements for a motorcycle.

An autocycle is titled and registered as a motorcycle. All title and registration requirements for a motorcycle will apply to an autocycle.

Enclosed Three Wheeled Motorcycles

Transportation Code, Section 521.001, provides an additional definition for a motorcycle. In this section, a motorcycle includes an enclosed three-wheeled passenger vehicle designed to operate with three wheels in contact with the ground, has a single, completely enclosed passenger compartment, and at a minimum is equipped with:

- a steering wheel used to maneuver the vehicle;
- a propulsion unit located in front of or behind the enclosed occupant compartment
- seats and seat belts for each vehicle occupant certified by the manufacturer to meet Federal Motor Vehicle Safety Standards;
- a windshield and one or more windshield wipers certified by the manufacturer to meet Federal Motor Vehicle Safety Standards;
- a vehicle structure certified by the manufacturer to meet Federal Motor Vehicle Safety Standards, if
  - the unladen weight of the vehicle is more than 900 pounds; or
  - the unladen weight of the vehicle is not more than 900 pounds and the vehicle has a maximum speed capability of more than 40 miles per hour; and
- an active tilt control system if the unladen weight of the vehicle is not more than 900 pounds and the vehicle has a maximum speed capability of 40 miles per hour or less.

14.3 Moped

Section 541.201, Transportation Code, defines moped as a motor driven cycle that cannot attain a speed of more than 30 mph for a distance of one mile, an engine which cannot produce more than two brake horsepower, an internal combustion engine with a piston displacement of 50cc or less and connects to a power drive system that does not require the operator to shift gears. A vehicle meeting these criteria and certified as a moped by the Department of Public Safety (DPS) may register and title as a moped. If the vehicle does

not appear on the list of certified mopeds, the applicant must contact the DPS to have the moped type added to the approved list. If the vehicle is not a pocket bike or mini motorcycle, as defined in Section 551.351, and meets all federal and state manufacturer requirements, it is a motorcycle.

Effective September 1, 1983, no person other than a dealer may register, sell, trade, or otherwise transfer a moped within this state unless a Texas title is applied for and issued in the name of the owner.

VIN

The frame serial number is the vehicle identification number on all applications for Texas title covering mopeds. If a moped does not have a serial number die stamped on the frame, owners may obtain an assigned vehicle identification number ("TEX" number) from the department and die-stamp it on the frame prior to title application.

14.4 Trailer/Semitrailer

The owner (except Texas licensed dealers) of any trailer or semitrailer with a gross weight in excess of 4,000 pounds are required to obtain a Texas title in their name. When a trailer or semitrailer is required to be registered but not titled, the owner should retain the ownership evidence. Owners of trailers 4,000 pounds or less have the option to title their trailers but are not required to do so.

Definitions

A trailer is a vehicle that is designed or used to carry a load completely on the trailer's own structure and is drawn by a motor vehicle.

A semitrailer means a vehicle that is designed or used with a motor vehicle so that part of the weight of the vehicle and its load rests on or is carried by another vehicle.

A semitrailer, to be subject to Texas title, should have a gross weight in excess of 4,000 pounds. All semitrailers licensed with "token trailer" plates must be titled, since the gross weight of these vehicles should be in excess of 6,000 pounds to qualify for the plates. When applying for title, the customer should have a weight certificate for trailers and out of state semitrailers. The gross weight of a trailer or semitrailer is the actual weight of the vehicle plus its net carrying capacity.

Serial Numbers

The principal means of identification for trailers and semitrailers is the serial number. All trailers and semitrailers must have a serial number. The owner of a non-titled trailer or semitrailer may choose to obtain an assigned serial number to aid in the identification of their property in the event it is stolen, but it is not required. (See Non-Titled in Chapter 13, Section 13.7 Assignment of Identification Number by Department)

Lack of Serial Number

If a serial number is missing on a trailer or semitrailer, the owner should apply for an assigned serial number (Refer to Chapter 13, "Vehicle Identification Numbers").

Trailers Without Frames

Refer to Trailers Without Frames in Chapter 13, "Vehicle Identification Numbers".

Evidence of Ownership

A Manufacturer's Certificate of Origin (MCO) is required to support the application for Texas title for a new trailer or semitrailer. While "secure" MCOs are **not** required for trailers titled in Texas, their use is recommended because some states require "secure" MCOs on title transfers. A weight certificate is required if the trailer's empty weight is not indicated on the MCO.

Out of State Trailers

Acceptable evidence of ownership on used trailers and semitrailers from out of state is as follows:

- The certificate of title is required for all trailers and semitrailers from title states.
- The registration receipt is required for all trailers and semitrailers from non-title states.

A weight certificate as certified by a public scale or a TxDPS commercial vehicle enforcement officer is required.

Applicants should include a Vehicle Inspection Report issued by a state Safety Inspection Station, with each application for Texas title for out of state trailers and semitrailers except as provided in Transportation Code Section 501.030.

Applicants must submit a *Trailer Verification Statement of Fact* (Form VTR-141) for any travel trailer for which there is no Texas record or for any travel trailer last titled and/or registered outside of Texas.

Empty Weight

The space for weight on *Application for Texas Title and/or Registration* (Form 130-U) should record the empty weight of a trailer or semitrailer.

14.5 Homemade/Shopmade Trailers or Semitrailers

A homemade or shopmade trailer or semitrailer is required to be titled if the gross weight exceeds 4,000 pounds. Trailers 4,000 pounds and under may be titled at the owner's discretion. All vehicles requiring (or choosing to have) a title must have a serial number or VIN.

Titled Homemade Trailers and Semitrailers

Owners must complete a *Trailer Verification Statement of Fact* (Form VTR-141) if the trailer or semitrailer is shopmade for the owner (by someone else to the owner's specifications) and the following must be on or accompany the *Trailer Verification Statement of Fact* (Form VTR-141):

- The name of the person who built the trailer or semitrailer.
- The make of trailer or semitrailer is listed as "Homemade."
- The year model of the trailer or semitrailer (The year it was built).

- The assigned identification number issued by TxDMV with a copy of the *Law Enforcement Identification Number Inspection* (Form VTR-68-A) and completed *Notice of Assigned or Reassigned Identification Number* (Form VTR-68-N).
- A certified weight certificate.
- A bill of sale.

Non-Titled Homemade Trailers and Semitrailers:

The owner is not required to complete the *Trailer Verification Statement of Fact* (Form VTR-141), obtain an assigned number, or apply for title if a homemade trailer or semitrailer is exempt from title requirements either by:

- Having a gross weight of 4,000 pounds or less, or
- Having a gross weight exceeding 4,000 lbs but less than 34,001 lbs and being used as a vehicle operated solely for the transportation of farm products (not for hire) as provided for under the provisions of Section 502.433.

However, owners of these non-titled trailers and semitrailers are encouraged to obtain an assigned number to aid in the identification of their property in the event it is stolen. (See Chapter 13, Section 13.7 Assignment of Identification Number by Department)

Note: If the vehicle ceases to operate in accordance with provisions of Section 502.443, the owner must obtain title as outlined in Titled Homemade Trailers and Semitrailers. If the applicant is not the original owner, the application for Texas title must also be supported by a bill of sale.

Optional Title for Trailers under 4,000 Pounds

Transportation Code Section 501.037

(a) Notwithstanding any other provision of this chapter, the department may issue a title for a trailer that has a gross vehicle weight of 4,000 pounds or less if all other requirements for issuance of a title are met.

(b) To obtain a title under this section, the owner of the trailer must:

(1) apply for the title in the manner required by Section 501.023; and

(2) pay the fee required by Section 501.138.

The department may issue a title for a trailer that has a gross vehicle weight of 4,000 pounds or less, if all other requirements for issuance of a title are met, including assignment of VIN. The application for Texas title is optional for the owner. The owner must apply for the title in the usual manner, in accordance with Texas Transportation Code, Sections 501.023 and 501.138.

14.6 Farm Trailer/Farm Semitrailer

Transportation Code Section 501.036

(a) Notwithstanding any other provision of this chapter, the department may issue a title for a farm semitrailer with a gross weight of more than 4,000 pounds if:

(1) the farm semitrailer is eligible for registration under Section 502.146; and

(2) all other requirements for issuance of a title are met.

(b) To obtain a certificate of title under this section, the owner of the farm semitrailer must:

(1) apply for the title in the manner required by Section 501.023; and

(2) pay the fee required by Section 501.138.

(c) The department shall adopt rules and forms to implement and administer this section.

Farm trailers and farm semitrailers are considered trailers or semitrailers designed and used primarily as a farm vehicle with a gross weight of 34,000 pounds or less.

Farm trailers or farm semitrailers:

- are owned by farmers used exclusively to:
  - transport seasonally harvested agricultural products or livestock from the place of production to the place of processing, market, or storage;
  - farm supplies from the place of loading to the farm; and
- cannot operate for hire.

Trailers owned by a cotton gin and loaned to a farmer to transport products from place of production to place of process (not for hire), fertilizer trailers used to transport fertilizer to the farm and return without charge, and trailers hauling cottonseed between place of supply or storage to farms or place of process and return without charge are considered farm trailers.

Title Requirements

Farm trailers and farm semitrailers are exempt from the Certificate of Title Act. Regardless of the evidence of ownership presented, the owner should retain that evidence.

Note: Owners of farm semitrailers in excess of 4,000 pounds gross weight may apply for title as provided in Transportation Code Section 501.036 (see Farm Semitrailers).

Light Trailers

A farm trailer or farm semitrailer with a gross weight not exceeding 4,000 pounds is exempt from registration and title. This type of vehicle should be sold by a bill of sale; and when sold, if the purchaser is not a farmer, the purchaser must register the vehicle with regular trailer license plates if the trailer will be pulled on a public road.

Heavy Trailers

A farm trailer or farm semitrailer with a gross weight in excess of 4,000 pounds, but not exceeding 34,000 pounds, is exempt from title requirements and qualifies for a $5.00 distinguishing license plate. This type trailer should be sold on a bill of sale. Exceptions are those owners desiring a title for farm semitrailers in excess of 4,000 pounds that may be issued a certificate of title as provided in Transportation Code Section 501.036.

Trailer Sales

If a farm trailer or semitrailer is not issued a certificate of title (non-titled trailer), these trailers may be sold on a bill of sale. If sold to a:

- Farmer, the $5.00 plate may be transferred by the use of the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS).
- Non-farmer, the $5.00 plate should be surrendered to the county tax assessor-collector's office. The trailer must be registered with regular registration if it will be pulled on a public road. If the trailer requires a title, the purchaser should file an application for Texas title supported by a bill of sale and a certified weight certificate.

Farm Semitrailers

Transportation Code Section 501.036 provides that TxDMV may issue a title for a farm semitrailer (not a farm trailer) with a gross weight of 4,000 lbs or more if:

- The farm semitrailer is eligible for registration under Transportation Code, Section 502.146.
- The owner applies for a certificate of title under Transportation Code Section 501.023.
- The owner pays the required fees under Transportation Code Section 501.138. If an application for Texas title is filed, they should surrender the ownership document in support of title issuance.

Titled Semitrailers

Farm semitrailers titled under Transportation Code Section 501.036, should be transferred by proper assignment of title from the owner to the new owner. If the new owner qualifies for farm plates, they may file an application of title supported by the assigned title. If the owner does not wish to title the farm semitrailer in the owner's name, they only apply for registration only and retain the assigned title.

Trailers In Excess of 34,000 Pounds

All trailers and semitrailers in excess of 34,000 lbs are required to be titled and registered.

Temporary Additional Weight Receipts

If a trailer or semitrailer with a gross weight of 4,000 pounds or less is issued a temporary additional weight receipt for seasonal agricultural products and it brings the gross weight above 4,000 pounds, the trailer/semitrailer would not be titled and would return to its previous status when the temporary additional weight receipt expires.

14.7 House, Camper, and Travel Trailers

Definition

For title and registration purposes, a "camper trailer" is defined as one designed for temporary human habitation and which may expand or fold out to form a shelter, the top and sides of which are attached to part of the trailer. Whether the trailer is equipped with items such as beds, icebox, refrigerator, cooking stove, etc., is immaterial. Tent trailers are also included as a camper trailer, if the trailer is a pop-up style. These trailers are titled as travel trailers

House trailer means a trailer designed for human habitation. The term does not include manufactured housing. All camper trailers, new or used, purchased on and after September 1, 1967, are titled as travel trailers. VTR issues these vehicles Travel Trailer license plates. (Refer to the TxDMV Motor Vehicle Registration Manual.)

Transportation Code Section 501.002 of the Certificate of Title Act, does not include mobile homes under the definition of "house trailer." House trailer type vehicles are classified as mobile homes if they are eight body feet or more in width or 40 body feet or more in length (not including the hitch), and are designed to operate as a dwelling with or without a permanent foundation. Mobile homes are excluded from the provisions of the Certificate of Title Act, but are regulated under the Texas Manufactured Housing Standards Act administered by the Texas Department of Housing and Community Affairs.

House trailer type vehicles and camper trailers less than eight body feet in width or less than 40 body feet in length (not including the hitch) are "travel trailers" and are required to be registered and titled as travel trailers. The term "house trailer" refers to travel trailers that meet the above size criteria.

Utility Trailers

Utility trailers, which are used to transport property, camping equipment, or other items, do not fall within this definition.

Evidence of Ownership

Evidence of ownership necessary to support an application for Texas title should be:

- New camper trailers require a secure MCO prescribed by this department.
- Used camper trailers last registered and titled in Texas as house trailers require an assigned title.

Out of State Trailers

Camper trailers last registered out of state require an assigned title, or if from a non-title state, the last license receipt in the applicant's name or properly assigned.

14.8 Park Model Trailers

A "Park Model" type trailer is a "recreational vehicle" by federal standards which is:

- Built on a single chassis,

- Over eight (8) feet in width and over forty (40) feet in length, but 400 square feet or less when measured at the largest horizontal projections,
- Permanently towable by a light duty truck, and
- Not designed for use or primarily used as a permanent dwelling, but as temporary living quarters for recreational, camping, travel, or seasonal use.

A “Park Model” trailer should register and title as a Travel Trailer regardless of the body style on the Manufacturer’s Certificate of Origin (MCO). If requested, Title Only can be issued.

Evidence of Ownership

An application for Texas title on a new “Park Model” type trailer must include a secure manufacturer’s certificate of origin (MCO) and a *Trailer Verification Statement of Fact* (Form VTR-141). A MCO prescribed by the Texas Department of Licensing and Regulation is unacceptable.

Move Permits

Any trailer in excess of 8 feet, 6 inches in width or 14 feet in height is required to be issued an oversize/overweight permit in addition to regular registration to legally move the trailer on public roads. Additionally, a trailer exceeding 45 feet, and most combinations of a pulling unit and trailer exceeding 65 feet in length are required to be issued an oversize/overweight permit, in addition to regular registration, to legally move the trailer on public roads.

14.9 Mobile Office Trailers

Mobile office trailers, mobile oil field laboratories, and mobile oil field bunkhouses are not designed as a dwelling and, therefore, are not classified as travel trailers or manufactured housing, regardless of size. These vehicles are classified as commercial semitrailers and should be registered and titled appropriately (or display a 72-Hour Permit) if operated upon public streets and highways. If the body style is designated as mobile office, mobile oil field laboratory, or mobile oil field bunkhouse, the weight shown on the certificate of origin is acceptable as the fixed weight of the vehicle for registration purposes. If no weight is shown on the certificate of origin, a weight certificate is required. The “1/3 minimum carrying capacity” rule does not apply to these vehicles. Photographs or brochures are not required except in instances when a mobile home has been altered for use as a mobile office, bunkhouse, or laboratory.

14.10 Motor Homes

Motor vehicles adapted or designed for habitation.

Definition

“Motor Homes” are self propelled vehicles constructed with built in kitchens, sleeping facilities, etc. The body of a motor home is designed so when attached to the chassis, the body completely envelops or covers the chassis and engine of the motor home vehicle. Vehicles so constructed are registered with passenger license plates. Only one manufacturer's certificate is required, and it should originate from the manufacturer. The

manufacturer's certificate lists the make and year model of the body and the vehicle identification number of the chassis. Application for title should record the description of vehicle as it appears on the manufacturer's certificate, and the body style should appear as “Motor Home” (abbreviated “MH”). A photo describing the vehicle is required if the body style is not indicated as “Motor Home” on the “final-stage” Manufacturer's Certificate of Origin. A weight certificate verifying the gross weight is required only if the weight is not shown on the final stage MCO.

Mounted Units

If a camper unit is designed so that it is mounted directly and permanently on the chassis of a vehicle (verified by a photograph of the exterior of the vehicle), owners should register them with passenger plates. The vehicle should be weighed and include the weight of the cab, chassis, and camping unit, and should be registered for that weight. The body style should appear as “Motor Home” (abbreviated “MH”) on the title and registration receipt.

14.11 Golf Carts and Other Miniature Type Vehicles

Transportation Code, Section 502.001 (18), defines “golf cart” as a motor vehicle designed by the manufacturer primarily for use on a golf course. Transportation Code, Section 551.402, prohibits registration of golf carts regardless of any alteration made to the golf cart. Transportation Code, Section 551.403, allows for use of the golf cart on some public roads. Refer to the `TxDMV Motor Vehicle Registration Manual` for additional information.

Title Requirements

As of September 1, 2009, VTR no longer issues titles for golf carts. Any existing title remains valid until the vehicle is sold. An exception for select counties allows for the issuance of golf cart license plates. A Manufacturer Certificate of Origin, Bill of Sale, or Invoice is acceptable as the ownership evidence.

Slow Moving Vehicles

A slow moving vehicle is defined as a vehicle designed to operate at a maximum speed of 25 miles per hour or less. Slow moving vehicles are required by Section 547.001 to display a slow moving vehicle emblem when operated on the public streets. Vehicles required to display the emblem are exempt from the Safety Inspection Act.

Vehicles designed to operate at speeds in excess of 25 miles per hour do not qualify as slow moving vehicles.

Mini-trucks

Vast numbers of used Japanese mini-trucks and vans (also known as Kei-class vehicles) are being imported into the US primarily as off-road vehicles. Some states allow mini-trucks to operate on roadways as low or slow speed vehicles. VTR does not title or register mini-trucks due the vehicle’s lack of compliance with US environmental and safety standards.

14.12 Neighborhood Electric Vehicles

A Neighborhood Electric Vehicle (NEV) is a motor vehicle that can attain a maximum speed of 35 miles per hour on a paved level surface and otherwise complies with Federal Motor Vehicle Safety Standard 500 (49 C.F.R. Section 571.500).

Registration and Title

A NEV is required to be titled in order to be registered for operation on public roads.

A NEV requires the same financial responsibility or liability of insurance as a vehicle when operating as a motor vehicle. As of September 1, 2013, a NEV no longer requires the same financial responsibility or liability insurance as a vehicle when operated as a golf cart.

The NEV must meet Federal Motor Vehicle Safety Standard 500 (49 C.F.R. §571.500) for low-speed vehicles and have a 17-digit VIN.

Neighborhood electric vehicles must be titled with a body style of “NV NHOOD ELEC” and registered as either a truck or a passenger vehicle.

Evidence of Ownership

Acceptable documents for evidence of ownership for neighborhood electric vehicles include Certificates of Title indicating a body style of neighborhood electric vehicle (“NV NHOOD ELEC”) or a Manufacturer's Certificate of Origin with a statement that the vehicle meets Federal Motor Vehicle Safety Standard 500 (49 C.F.R. §571.500).

Some neighborhood electric vehicles in Texas were previously titled with the body style of golf cart (GC) and out of state titles may show other body styles. In order to title and register these vehicles as neighborhood electric vehicles (“NV NHOOD ELEC”) the vehicle must have a conforming 17-digit VIN. If a vehicle does not meet this criterion it cannot be titled or registered as a neighborhood electric vehicle.

Operation

A neighbor electric vehicle:

- may be operated only on a street or highway for which the posted speed limit is 45 miles per hour or less and is subject to all traffic and other laws applicable to motor vehicles
- may cross a road or street at an intersection where the road or street has a posted speed limit of more that 35 miles per hour
- may not be operated on a street or highway if:
  - the governing body of a county or city determines that prohibiting such operation is necessary in the interest of safety; or
  - the department determines that prohibiting such operation is necessary in the interest of safety.

Neighborhood Transportation Vehicles

Effective September 1, 2003, the law changed to address new styles of neighborhood transportation, including certain motor-assisted scooters that are not registered or titled. In these instances, either a city or county government has ruling jurisdiction over its roads (primarily for prohibition for their operation). The owner of any electric personal assistive mobility devices, as defined by Transportation Code, Section 551.201, is not required to register this type of device. These devices may only operate on a residential street, roadway or public highway in accordance with Transportation Code, Section 551.202 and local ordinance.

14.13 Off-Highway Use Vehicles

Motorcycles, trail bikes, mini bikes, mini-motorcycles (gas and/or electric), all-terrain vehicles, recreational off-highway vehicles, etc., designed and equipped for off highway use.

Off-Highway Use Motorcycles

Requirement of Title

Effective September 1, 1975, all off highway motorcycles (non-street legal) which are designed and equipped for racing, trail riding, or other off highway use are required to be titled. These vehicles cannot pass the state safety inspection requirements unless modified and cannot register.

Evidence of Ownership

The basic evidence of ownership required with an application for Texas title on an off highway motorcycle is as follows:

- A Manufacturer's Certificate of Origin (MCO) for all new “off-highway” motorcycles sold on or after September 1, 1975.
- A properly assigned certificate of title for a used “off-highway” motorcycle; however, if the motorcycle was owned by the applicant prior to September 1, 1975, any one of the following items may support the application:
  - An MCO completed and assigned to the applicant.
  - An invoice signed by an agent of the company or firm selling the vehicle and dated prior to September 1, 1975.
  - A bill of sale signed by the seller and dated prior to September 1, 1975.
  - If any of the above documents are not available and the original owner is applying for Texas title, a statement of fact completed by the owner stating they have owned the motorcycle prior to September 1, 1975 is acceptable.
- Any used motorcycle purchased or taken in trade by a dealer on or after September 1, 1975, must transfer to the dealer on an assigned certificate of title

Vehicle Identification Number

The frame serial number is the vehicle identification number on all applications for certificate of title covering motorcycles. If a motorcycle does not have a serial number die stamped on the frame, the owner should obtain an assigned vehicle identification number (“TEX” number) from the department.

Modified Off-Highway Motorcycles

Once a motorcycle has been titled as an off highway vehicle without registration, VTR requires an application for corrected title to clear the remark if the vehicle is ever modified in order to register. If a transfer of ownership is involved and a current license number is shown in the license number space on the application for Texas title, the notation "Off Highway Use Only" deletes automatically from the title record. Applicants should include verification of a DPS safety inspection and a copy of the current registration receipt with the application for Texas title.

All-Terrain Vehicle (ATV)

Definition

All-terrain vehicle means a motor vehicle that is equipped with a seat or seats for the use of the rider (and a passenger), designed to propel itself with three or more tires in contact with the ground, designed by the manufacturer for off-highway use, not designed by the manufacturer primarily for farming or lawn care, and not more than 50 inches in width.

Note: ROVs and ATVs are defined in the same manner except that ATVs are vehicles that are not more than 50 inches in width, may have only 3 wheels and accommodate a rider and one passenger, while ROVs are vehicles that have at least 4 wheels and can accommodate a rider and multiple passengers.

Effective September 1, 1985, no person (other than a dealer) may transfer ownership of an all-terrain vehicle unless a title has been applied for and issued in the name of the owner as of that date.

House Bill 3849, passed by the 81st Legislative session (2009) eliminated bench or bucket seats from the ATV definition.

Note: The only sections of the law that were repealed are related to registration and the issuance of the ATV sticker. ATVs are still required to be titled.

Direct questions concerning ATV operation on public land in Texas to Texas Parks and Wildlife Department's "Off Highway Vehicle" section at (512) 389-8917 or to the Web site at: www.tpwd.state.tx.us/spdest/ohv/faq.phtml

Recreational Off-highway Vehicle (ROV)

Definition

Recreational off-highway vehicle means a motor vehicle that is not a golf cart, equipped with a seat or seats for the use of the rider (and a passenger), designed to propel itself with four or more tires in contact with the ground, designed by the manufacturer for off-highway use, and not designed by the manufacturer primarily for farming or lawn care. Effective September 1, 2009, (HB 2553 passed by the 81st Legislature) the definition of "motor vehicle" was amended to include the recreational off-highway vehicle.

Note: ROVs and ATVs are defined in the same manner except that ATVs are vehicles that are not more than 50 inches in width, may have only 3 wheels and accommodate a rider and one passenger, while ROVs are vehicles that have at least 4 wheels and can accommodate a rider and multiple passengers.

Title Requirements

Effective September 1, 2009, no person (other than a dealer) may transfer ownership of a recreational off-highway vehicle unless a title has been applied for and issued in the name of the owner as of that date.

New ROVs sold on and after September 1, 2009, must transfer on a manufacturer's certificate of origin (MCO) with the exception of vehicles in a dealer's stock before September 1, 2009. In the case of a ROV in stock before September 1, 2009, for which a dealer cannot obtain a MCO, the dealer may transfer ownership on an invoice or bill of sale, provided the bill of sale includes a statement the ROV was in a dealer's stock prior to September 1, 2009. The dealer must assign the ROV to the purchaser on a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A). Any used ROVs purchased or taken in trade by a dealer on or after September 1, 2009, must transfer to the dealer on an assigned certificate of title.

An individual who owns a ROV must have or obtain a Texas title in their name before the ROV can transfer to another owner. An owner of a ROV purchased prior to September 1, 2009, must submit the following documents to obtain a Texas title in their name:

- *Application for Texas Title and/or Registration* (Form 130-U);
- Statement of fact specifying the owner owned the ROV prior to September 1, 2009; and
- If available, any other proof of transfer, such as an invoice or bill of sale dated prior to September 1, 2009, signed by the seller or an agent of the company/business that sold the ROV.

Note: Manufacturer Certificate of Origin (MCO) - applies to new ROVs sold on or after September 1, 2009.

These off-highway vehicles are not designed by the manufacturer for highway use and are not registered when the owner makes application for a certificate of title. The notation "NOT REG" should appear in the license number space on the *Application for Texas Title and/or Registration* (Form 130-U). A Texas Certificate of Title issued for a ROV or ATV reflects the remark "Off-Highway Use Only". An all terrain vehicle or recreational off-highway vehicle, with or without design alterations, may not register for operation on public highways.

Title Exemption for ATVs and ROVs

An ATV or ROV may be exempted from the title requirement if the purchaser certifies that the vehicle will be used primarily for farming or lawn care and has at least four wheels in contact with the ground. The purchaser makes the certification by completing a *Recreational Off-Highway or All-Terrain Vehicle Used for Farming or Lawn Care* (Form VTR-329). However, an ATV or ROV that has multiple rows of seats, contains food or

beverage equipment, is equipped with specifically non-farm or non-lawn care equipment, or only has three wheels in contact with the ground is not eligible for the title exemption as these types of vehicles are most commonly associated with use at sporting events, use by apartment and large living communities, or primarily for recreation purposes. A licensed dealer is to provide a photocopy of the completed *Recreational Off-Highway or All-Terrain Vehicle Used for Farming or Lawn Care* (Form VTR-329), along with the Manufacturer's Certificate of Origin (MCO), to the original purchaser. The dealer retains the original *Recreation Off-Highway or All-Terrain Vehicle Used for Farming or Lawn Care* (Form VTR-329) in their records.

If the original purchaser of the exempt ATV or ROV sells the ATV or ROV, they must provide the photocopy of the *Recreational Off-Highway or All-Terrain Vehicle Used for Farming or Lawn Care* (Form VTR-329) and the MCO to the subsequent purchaser. If the original purchaser wishes to obtain a Certificate of Title at a later date, the photocopy of the completed *Recreational Off-Highway or All-Terrain Vehicle Used for Farming or Lawn Care* (Form VTR-329) from the original purchaser must be submitted with the *Application for Texas Title and/or Registration* (Form 130-U) and the MCO.

When presented with a *Recreational Off-Highway or All-Terrain Vehicle Used for Farming or Lawn Care* (Form VTR-329) by an original purchaser who subsequently wished to title the ATV or TOV, the Delinquent Transfer Penalty would not apply. If this situation occurs after the 30th day from the date of sale, the Registration and Title System (RTS) will calculate a Delinquent Transfer Penalty. The penalty should be manually changed to reflect no charge and will require a Supervisor Override. In the case of a subsequent purchaser, the delinquent transfer penalty would apply once the 30 day transfer period has passed from the date of the subsequent purchase since there is an actual change in ownership.

14.14 Miscellaneous Vehicle Types

Machinery/Permit Vehicle Plates

VTR issues the $5.00 distinguishing license plate in lieu of regular registration. Listed below are vehicles eligible for the distinguishing plate. VTR does not title these vehicles. (Refer to the `TxDMV Motor Vehicle Registration Manual`.)

Machinery Plates are issued to:

- Construction machinery (unconventional vehicles)
- Water well drilling units

Permit plates are issued to:

- Oversize/overweight commercial vehicles, used solely for servicing, cleaning out, and/or drilling oil wells and which, consist in general, of a mast, an engine for power, a draw-works, and a chassis permanently constructed for these purpose or purposes.
- Mobile crane, which is an unladen, self-propelled vehicle constructed as a machine and used solely to raise, shift, or lower heavy weights by means of a projecting, swinging mast with an engine for power on a chassis permanently constructed for these purposes.

Trailer Jockey

A pulling unit with body type Trailer Jockey can be registered as a road tractor with Tractor license plates, or registered with Combination license plates if it is pulling a semitrailer with a gross weight of 6,000 pounds or more. As a prerequisite to title and registration, Trailer Jockeys, or 'yard dogs,' must meet the U.S. DOT and Texas safety standards. If the evidence of ownership is a Manufacturer's Certificate of Origin (MCO), it should be a "secure" form. VTR also requires proof of insurance in the title applicant's name unless the vehicle was purchased from a dealer.

Farm Tractor/Road Tractor

Owners must title and register farm tractors used for hire to move commodities over the highway and road tractors used to mow the right of way.

Implements of Husbandry

Implements of husbandry are not eligible for Texas title**.**

Implement of husbandry means a vehicle, other than a passenger car or truck, that is designed and adapted for use as a farm implement, machinery, or tool for tilling the soil, a towed vehicle that transports to the field and spreads fertilizer, or agricultural chemicals, or a motor vehicle designed and adapted to deliver feed to livestock.

Former Military Vehicle

Transportation Code Section 501.035

(a) Notwithstanding any other law, the department shall issue a title for a former military vehicle if all requirements for issuance of a title are met.

(b) In this section, "former military vehicle" has the meaning assigned by Section 504.502(i).

Chapter 15

ODOMETERS

This chapter contains the following sections:

- ***15.1*** Odometer Disclosure Statement
- ***15.2*** Vehicles Exempt from Disclosure
- ***15.3*** Application for Title/Title Assignment
- ***15.4*** Odometer Title Brand
- ***15.5*** Operation of Law Title Transfers
- ***15.6*** Odometer Issues
- ***15.7*** Correcting Odometer Errors
- ***15.8*** Power of Attorney to Transfer Ownership and Disclose Mileage

15.1 Odometer Disclosure Statement

Transportation Code Section 501.072

(a) Except as provided by Subsection (c), the seller of a motor vehicle sold in this state shall provide to the buyer, on a form prescribed by the department, a written disclosure of the vehicle's odometer reading at the time of the sale. The form must include space for the signature and printed name of both the seller and buyer.

(b) When application for a certificate of title is made, the owner shall record the current odometer reading on the application. The written disclosure required by Subsection (a) must accompany the application.

(c) An odometer disclosure statement is not required for the sale of a motor vehicle that:

(1) has a manufacturer's rated carrying capacity of more than two tons;

(2) is not self-propelled;

(3) is 10 or more years old;

(4) is sold directly by the manufacturer to an agency of the United States government in conformity with contractual specifications; or

(5) is a new motor vehicle.

Federal Truth in Mileage Act of 1986

In an effort to deter odometer fraud and to protect consumers, the 99th Congress of the United States enacted the Truth in Mileage Act of 1986 (Public Law 99-579) which amended Title IV of the Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1981-1991. In order to comply with this Act, Federal rules and Texas law, the department revised the odometer disclosures on certificate of titles issued on and after April 29, 1990, to contain the following:

- The odometer reading at the time of transfer, not to include tenths of miles;

- The date of the odometer disclosure statement;
- The signature, hand printed name and current address of the transferor (seller);
- The signature, hand printed name and current address of the transferee (buyer);

Note: The same individual may not sign an *Odometer Disclosure Statement* as both buyer and seller.

- The vehicle description, including make, model, year, body style, and VIN;
- A statement referring to the Federal and State law advising that failure to complete or providing false information may result in fines and/or imprisonment; and
- A certification completed by the transferor (seller) stating that, to the best of their knowledge, the odometer reading reflects the actual mileage, not actual mileage, or that the actual mileage is in excess of the mechanical limits of the odometer.

Note: The department discontinued the *Odometer Disclosure Statement* (Form VTR-40) effective January 1, 2011. If there is an actual purchaser and seller or the vehicle is exempt, complete the odometer statement on the vehicle assignment. If there is not an actual purchaser and seller, record odometer information directly on the *Application for Texas Title and/or Registration* (Form 130-U).

15.2 Vehicles Exempt from Disclosure

The word "Exempt" should appear in the Odometer Reading (Box 9) and/or "Exempt" should be marked in Box 10 on the *Application for Texas Title and/or Registration* (Form 130-U) for vehicles exempt from odometer disclosure requirements. Vehicles exempt from the odometer disclosure requirements are:

- A vehicle having a gross vehicle weight rating of more than 16,000 pounds;
- A vehicle that is not self propelled;
- A vehicle that is ten model years old or older;
- A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications; and
- A new motor vehicle prior to its transfer to the first retail purchaser.

15.3 Application for Title/Title Assignment

If a vehicle is exempt from the odometer disclosure requirements, the purchaser is not required to sign the back of the certificate of title upon reassignment from the seller. The word "Exempt" should appear in the Odometer Disclosure (Box 9) and/or "Exempt" should be marked in Box 10 on the *Application for Texas Title and/or Registration* (Form 130-U).

Metric Odometers

If the odometer of a vehicle records kilometers rather than miles, counties should draw a line through "mileage" and insert "kilometers" on the odometer disclosure statement.

Texas Titles

The assignments on the reverse side of a Texas Certificate of Title incorporate a statement by the seller as to the vehicle's odometer reading at the time of transfer. When an application for Texas title is filed, the current odometer reading should also appear in the proper space on the application. The certificate of title, when issued, records the odometer reading and applicable brand as reflected on the title assignment or *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A). For additional information regarding the use of a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A), refer to Chapter 25, Section 25.2 Duty of Vehicle Dealer on Sale of Certain Vehicles.

Out of State Titles

When an owner surrenders an out of state title, they must complete the odometer disclosure statement on the reassignment unless the vehicle is exempt. In cases involving the surrender of an out of state title without transfer of ownership, the owner must record the current odometer reading in Box 9 of the *Application for Texas Title and/or Registration* (Form 130-U) and indicate any applicable odometer brands in Box 10. In most situations, a Vehicle Inspection Report issued by a vehicle safety inspection station is required and will contain an odometer reading. If the odometer reading recorded on a Vehicle Inspection Report is not significantly different from the title application, the transaction is acceptable.

Manufacturer's Certificate of Origin

An odometer disclosure statement is required when a new vehicle is transferred to the first retail purchaser. The odometer disclosure provided for this first retail transaction must comply with the Truth in Mileage Act requirements. The buyer should acknowledge the odometer disclosure. The disclosure may be provided by completing a conforming odometer disclosure statement on the Manufacturer's Statement of Origin or on a separate odometer disclosure statement. This applies regardless of whether or not the Manufacturer's Certificate of Origin contains an odometer disclosure statement.

Applications for Registration Purposes Only

The title applicant must note the current odometer reading on the *Application for Texas Title and/or Registration* (Form 130-U) and indicate whether the reading is actual, not actual, exceeds mechanical limits or exempt.

Salvage Titles

The owner of a salvage vehicle applying for a Rebuilt Salvage title, must record the current odometer reading in Box 9 of the *Application for Texas Title and/or Registration* (Form 130-U) and indicate any applicable odometer brands in Box 10. Additionally, if there was a transfer of ownership of the salvage vehicle, the seller must complete the odometer disclosure statement on the salvage title and the purchaser must acknowledge it. The mileage indicated on the odometer disclosure statement must also appear on the *Application for Texas Title and/or Registration* (Form 130-U).

US Government Certificate to Obtain Title to a Vehicle, Form 97

The odometer disclosure on *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97) is acceptable provided the disclosure includes the printed names of the person(s) signing as the seller's representative and as the buyer.

Corrected Title Transactions

In the case of an application for corrected title, either the current or the previously recorded odometer reading is acceptable. In addition, the title applicant must indicate whether the mileage is actual, not actual, or exceeds mechanical limits on the *Application for Texas Title and/or Registration* (Form 130-U).

Title Application Fails to Record an Odometer Reading

If the title assignment fails to record an odometer reading, the transaction must be rejected unless the vehicle is exempt or involves no change in ownership or an unrecovered stolen vehicle in which cases the odometer reading and certification can remain as currently recorded.

Exempt Agencies

The odometer requirements apply to exempt agencies.

15.4 Odometer Title Brand

Federal law requires the department to print an odometer brand (ACTUAL MILEAGE, MILEAGE EXCEEDS MECHANICAL LIMITS, or NOT ACTUAL MILEAGE) on all titles issued on applicable vehicles. These brands, when applicable, show as the first brand beneath the word “REMARK(S).”

15.5 Operation of Law Title Transfers

An odometer disclosure statement is required on applications for title involving an actual seller and an actual buyer. Unless the vehicle is exempt, the odometer statement must appear on the title assignment.

It is not necessary for transactions to include a completed odometer statement when there is not an actual buyer and seller. Transactions such as tax collector hearings or court orders do not require an odometer disclosure statement from the county tax assessor-collector or the court. However, the person awarded ownership of the vehicle must complete the odometer reading in Box 9 and check any applicable odometer brand in Box 10 of the *Application for Texas Title and/or Registration* (Form 130-U).

Unrecovered Stolen Vehicles

When an application for Texas title is filed by an insurance company on an unrecovered stolen vehicle, the odometer reading from the previous title should carry forward. Unless there is other evidence in the transaction to the contrary, the mileage disclosed should appear as the actual mileage.

15.6 Odometer Issues

Vehicles Without Odometers

Indicate "N/A" in the Odometer Reading (Box 9) of the *Application for Texas Title and/or Registration* (Form 130-U) and title reassignment (if applicable) for any self propelled vehicle that does not have an odometer. The "Not Actual" option must be checked in Box 10.

Note: If a vehicle is not exempt from odometer requirements (Refer to Vehicles Exempt from Disclosure) but has no odometer, input the odometer reading as "000001" and indicate "Not Actual Mileage" when processing the transaction through RTS.

Broken or Inoperable Odometers

When an odometer is broken, inoperable, or displays "ERROR," the odometer disclosure statement cannot appear as actual mileage. The odometer disclosure statement must indicate the odometer reading is NOT the actual mileage. If an odometer reading appears on the disclosure statement, it must also appear on the application for Texas title; however, it must indicate "Not Actual Mileage." However, if a reading is not shown on the odometer disclosure statement, indicate "N/A" in the Odometer Reading (Box 9) and "Not Actual" in Box 10 on the *Application for Texas Title and/or Registration* (Form 130-U).

Note: When processing the transaction through RTS, if no odometer has been disclosed, input the odometer reading as "000001" and indicate "Not Actual Mileage" when processing the transaction through RTS.

Repaired or Replaced Odometers

Note: There are no restrictions or guidelines as to who has the authority to repair or replace a malfunctioning odometer.

When an odometer is serviced, repaired, or replaced, the owner should maintain proper records of the repair or replacement in order to avoid any type of problem or civil liability relating to the repair or replacement.

If the mileage does not remain the same (actual mileage cannot be determined), the odometer should be reset to zero. The owner or agent of the owner is also required to attach a written notice to the left door frame of the vehicle specifying the mileage before the service, repair, or replacement and the date of the service, repair, or replacement.

When the vehicle is subsequently transferred, it is the responsibility of the seller to indicate the odometer reading. The odometer brand certification is always **Not Actual**.

Odometer Discrepancies

If it appears a conforming odometer disclosure statement on a Texas or an out of state title has been altered, the transaction should be rejected for a Statement of Fact from the seller and buyer explaining the alteration. If the odometer reading appears to have been altered, the seller must complete another statement of fact that includes the requirements of the Federal Truth in Mileage Act (See Federal Truth in Mileage Act of 1986), odometer disclosure statement showing the correct odometer reading and indicate whether the mileage is actual, not actual, or exceeds mechanical limits. The buyer (title applicant) must acknowledge this disclosure statement. An alteration of the odometer reading on a secure *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A), or a *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) may be corrected by completing another of the appropriate forms. Correct obvious errors by drawing a line through the error and completing a Statement of Fact, from the seller explaining the alteration. The buyer then acknowledges the correction.

Letter Preceding Numbers in Odometer Field

The odometer field should consist of numbers only. Any transaction that includes a printed letter in the odometer reading is not acceptable unless a Statement of Fact signed by the seller and title applicant to verify the correct odometer reading appears.

15.7 Correcting Odometer Errors

Odometer Errors on a Title

If a county tax assessor-collector's office is responsible for making an error in the odometer reading or odometer brand on a title, the department issues a corrected title at no charge. The recorded owner or lienholder should submit a request to the department for a "no charge" corrected title, which clearly indicates the error or errors, along with the title displaying the incorrect odometer or odometer brand.

However, if the county tax assessor-collector's office is not responsible for the error, the owner of the vehicle must file an application for a corrected title with the county tax assessor-collector's office. The correct odometer reading and certification must appear on the title assignment. The application should be supported by the current Texas title, a statement of fact from the seller (previous owner indicated on title) or transferor that made the error stating the correct mileage and/or certification and acknowledged by the purchaser (owner indicated on the title), and the applicable title fee.

Odometer Errors Caught by NMVTIS

If an odometer error is identified as a result of a NMVTIS inquiry, there are two options available for resolving the odometer error.

The first option is a statement of fact from the buyer and seller at the time the error occurred. This may not be the current buyer and seller. If the odometer is incorrect on the surrendered evidence of ownership and the current applicant is attempting to correct the odometer error, the buyer and seller from the prior transaction where the error occurred will be required to provide the statement of fact. In order to determine the buyer and seller of the previous transaction, a review of the transaction history may be required.

If the error occurred on an out of state document, documentation or a statement of fact from the previous state's titling entity is required.

If unable to obtain an appropriately completed statement of fact, the second option is to apply the "NOT ACTUAL MILEAGE" brand to the record with the title applicant's acknowledgment.

15.8 Power of Attorney to Transfer Ownership and Disclose Mileage

The secure *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) may be used when issued to Texas licensed motor vehicle dealers, salvage dealers, and insurance companies. Use this form when the title to be transferred is a Texas Certificate of Title issued on or after April 30, 1990, and is physically held by a lienholder or the title has been lost. When a dealer or insurance company buys, or takes as a trade-in, a motor vehicle from an owner who does not have the title for either of these reasons and does not wish to return to the purchaser to complete the odometer disclosure statement and title assignment, this form should be completed.

For detailed information on completing the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) see Chapter 11, Section 11.4 Secure Power of Attorney.

Note: If the vehicle in question is exempt from odometer disclosure, a non-secure power of attorney, *Limited Power of Attorney for Eligible Motor Transactions* (Form VTR-271) may be used.

Chapter 16

OPERATION OF LAW

This chapter contains the following sections listing the various methods of transfer as provided for in the law:

- ***16.1*** Transfer of Vehicle by Operation of Law
- ***16.2*** Definitions and Distinctions
- ***16.3*** Transfers Originating Out of State
- ***16.4*** Estates of Decedents
- ***16.5*** Trusts
- ***16.6*** Bankruptcies
- ***16.7*** Bank Liquidations
- ***16.8*** Repossessions
- ***16.9*** Judicial Sale
- ***16.10*** Seized and Forfeited Vehicles
- ***16.11*** U.S. Bill of Sale
- ***16.12*** Change of Name (Texas Family Code - Chapter 45)
- ***16.13*** Divorce Suits
- ***16.14*** Judgments and Decrees
- ***16.15*** Judicial Declaration of Incompetence
- ***16.16*** Texas Uniform Gifts or Transfers to Minors Act
- ***16.17*** Judicial Orders

16.1 Transfer of Vehicle by Operation of Law

Transportation Code Section 501.074

(a) The department shall issue a new title for a motor vehicle registered in this state for which the ownership is transferred by operation of law, or other involuntary divestiture of ownership after receiving:

(1) a certified copy of the order appointing a temporary administrator or of the probate proceedings;

(2) letters testamentary or letters of administration;

(3) if administration of an estate is not necessary, an affidavit showing that administration is not necessary, identifying all heirs, and including a statement by the heirs of the name in which the certificate shall be issued;

(4) a court order; or

(5) the bill of sale from an officer making a judicial sale.

(b) If a lien is foreclosed by nonjudicial means, the department may issue a new title in the name of the purchaser at the foreclosure sale on receiving the affidavit of the lienholder of the fact of the nonjudicial foreclosure.

(c) If a constitutional or statutory lien is foreclosed, the department may issue a new title in the name of the purchaser at the foreclosure sale on receiving:

(1) the affidavit of the lienholder of the fact of the creation of the lien and of the divestiture of title according to law; and

(2) proof of notice as required by Sections 70.004 and 70.006, Property Code or by Section 59.0445, Property Code.

(d) Notwithstanding the terms of Section 501.005, in the event of a conflict between this section and other law, this section controls.

This Chapter covers any type of involuntary transfer or transfer by operation of law (owner will not, or cannot, assign the certificate of title). Divestiture of title (meaning to take title out of the name of an owner) usually cannot be accomplished under the laws discussed in this Section until a certificate of title has first been issued and recorded in Texas.

Refer to Table 11-1 Application for Title Signed By A Trustee And Authority Required for relevant information.

The original or certified copy of title is not required to transfer ownership based on a Judicial, U.S. Government Agent's, Sheriff's, Constable's, Mechanic's or Storage Lien Bill of Sale or upon an acceptable court order conveying ownership to a vehicle, provided a release of any recorded lien is attached to the transaction, when required.

Note: A release of lien is not required with a mechanic's lien or a licensed vehicle storage facility lien.

16.2 Definitions and Distinctions

- decedent - deceased person
- intestate - no will left
- testate - having left a will
- testator - one who makes and leaves a will
- probate - official proof
- probate court - County Judge sitting in probate (no jury) concerning matters of deceased persons and the various types of guardianship.
- executor - one appointed by a testator to execute the deceased person's will after probate.
- administrator - one appointed by the probate court to administer the estate of an intestate or testate if an executor is not named or does not accept or qualify.
- trustee - one who manages property or money for another. A trustee may sign title transfer documents without attaching evidence of their appointment as the trustee; provided they do not sign as "Trustee of an Estate," "Trustee in Bankruptcy," "Trustee of a Trust," or "Trustee for a Minor."

16.3 Transfers Originating Out of State

Transfers with an out of state operation of law document should be cleared by the state in which it occurred. Some out of state repossessions and heirship transactions are acceptable when there is a direct Texas tie.

16.4 Estates of Decedents

This subject includes two types of estates:

- Administration by Executor or Administrator
- No Administration and None Necessary [Estates Code 201]

Administration by Executor or Administrator

Testate

If a deceased person left a will, the will should be filed for probate or administration within four years from the date of death of testator or decedent. If the will is filed for administration, a court may determine that no administration is necessary. If the court determines that no administration is necessary, the court prepares a document declaring that no administration of the will is necessary.

Letters Testamentary [Estates Code 306]

When a will has been probated, the court will grant Letters Testamentary within twenty days, if permitted by law, to the executor or executors appointed by the will provided the executor or executors are not disqualified and are willing to accept and qualify according to law. A certified copy of Letters Testamentary may be obtained from the clerk of the probate court, or a certification of the “appointment and qualification” by the county clerk is acceptable. A certified copy of a will appointing an executor may be acceptable provided the county clerk states the executor has qualified; otherwise, Letters Testamentary must be attached.

Letters of Administration [Estates Code 306]

The court may grant administration of the estate when a person dies under the following circumstances:

- without a will
- the will does not name an executor
- the executor has died or has failed to accept and qualify within twenty days after the probate of the will
- the administrator does not present the will for probate within thirty days

The administrator should attach Letters of Administration (or a certification of such by the clerk of the probate court) to any assignment of title it executes.

Administration Not Granted [Estates Code 306]

Grant no administration upon any estate unless there is a necessity that is determined by the court hearing the application. An affidavit of heirship form should state this fact. A will is not considered filed for probate until the probate judge issues such an order.

More than One Executor or Administrator [Estates Code 307]

If there is more than one executor or administrator of the same estate at the same time, the action taken by one of them is as valid as if all had acted jointly. The signature of one of the executors or administrators on an assignment of title with Letters Testamentary or of Administration attached is acceptable.

Independent Administration

A person making a will may specify no action in the county court other than the probating and recording of the will and the return of an inventory, appraisement, and list of claims of the estate. The probating of a will of this type, when no administration is necessary, is known as an “independent administration,” and an application for Texas title to a motor vehicle or transfer of title should be accompanied by one of the following:

- A copy of the will certified by the clerk of the probate or county court that the will was probated as an “independent administration”.
- A certificate of the clerk of the probate court verifying the name of the beneficiary in compliance with the will that was filed as an “independent administration”.
- A copy of the probate court's proceedings signed by the county or probate judge or certified to by the clerk of the court. The copy must name the beneficiaries; otherwise, a copy of the will must also be attached.
- A copy of the probate court's order, certified by the clerk of the court, admitting a will to probate as an “independent administration”.

If the independent administration fails to name a sole beneficiary of the motor vehicle, then all heirs or beneficiaries named in the will must sign the application for Texas title or sign any transfer of title. These heirs may grant a power of attorney to an agent to sign for them, but one of the above listed instruments establishing the independent administration must support the transaction. If the will indicates that an Executor or Executrix has been appointed, that person may sign for all heirs.

Muniment of Title [Estates Code 257]

The court may find there is no necessity for administration of an estate, and admit a will (whether or not the written will is found) to probate as a muniment of title. The order admitting the will constitutes sufficient authority to transfer title. One of the following should accompany an application for Texas title to a motor vehicle or transfer of title:

- A copy of the will certified by the clerk of the probate or county court that the will was admitted as a “muniment of title.”
- A certificate of the clerk of the probate court verifying the name of the beneficiary in compliance with the will that was admitted as a “muniment of title.”
- A copy of the probate court's proceedings signed by the county or probate judge or certified to by the clerk of the court. The copy must name the beneficiaries; otherwise, a copy of the will must also be attached.
- A copy of the probate court's order, certified by the clerk of the court, admitting a will to probate as a “muniment of title.”

If the muniment of title fails to name a sole beneficiary of the motor vehicle, then all heirs or beneficiaries named in the will or the court's order must sign the application for Texas title or sign any transfer of title. These heirs may grant a power of attorney to an agent to sign for them, but one of the above listed instruments establishing the muniment of title must support the transaction.

Executor or Administrator not to Purchase [Estates Code 356]

With a few exceptions, an executor or administrator may not purchase any property of the estate. If the executor or administrator does become the purchaser, only persons interested in the estate may complain by court action (not to the department), and the county judge then rules on the validity of the sale. Therefore, VTR will not reject an application for Texas title to a motor vehicle in the name of an executor or administrator because the application is not in the name of the estate.

Summary Court Officer as Administrator

A certified copy of the Summary Court Order directing the officer appointed by the court to dispose of a deceased military man's property is acceptable as lawful authority for the officer to sign for the deceased person.

Guardians for minors, etc.

Where there are minors, or incapacitated persons, having no guardian in this state who are entitled to a portion of an estate, or whose guardians also have an interest in the estate, the court appoints a guardian to represent them.

If an executor or administrator transfers title of a vehicle to a minor – the minor's guardian should sign the application for the minor and attach letters of guardianship.

Certificate of Title Lost - Deceased Owner

If a Texas certificate of title in the name of the deceased owner has been lost and the department has a record of the title, it is not necessary for a copy of the title to be obtained if the title applicant is an heir that signs the heirship affidavit or is named in the operation of law proceedings (letters testamentary). If the owner is not a heir, then a bill of sale is necessary.

When a Texas certificate of title lists two owners and one owner is deceased, it is not necessary for a copy of the title to be obtained, if the title applicant is an heir that signs the heirship affidavit or is named in the operation of law proceedings (letters testamentary). If the surviving owner is not an heir, then a bill of sale is necessary.

If an out of state title is involved, owner and lienholder verification from that state is required. If the applicant is unable to obtain the verification due to privacy laws in the other state, the options available to obtain Texas title are as follows:

- Pursue a Tax Assessor Collector Hearing or a Bonded Title, if they meet the requirements of Transportation Code Section 501.052.
- Obtain title in the other state, prior to transferring to Texas.
- Pursue litigation through a court of competent jurisdiction.

If the estate of the deceased was probated and an executor or administrator was appointed, that person may transfer ownership of the vehicle using a bill of sale and attaching evidence of their appointment by the probate court. If the title record or the out of state verification shows a lien, a release of lien must be attached.

If the deceased did not leave a will and the title has been lost, a certified copy of the title is not required. However, if the title record or the out of state verification shows a lien, a release of lien is required. An *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) may support an application for a new title.

A copy of the title is not needed with any application filed by the person awarded the vehicle by the will probated as a muniment of title. If the title record shows a lien, a release of lien is required.

If no Texas record can be located in the department's records on a Texas titled vehicle, the individual(s) authorized to sign for the estate of the deceased owner must provide satisfactory proof of ownership or ownership evidence to a TxDMV Regional Service Center in order to have the original record re-instated. In these situations, the individuals must also provide legal authority to sign, such as Letters of Administration, Letters Testamentary, Probate Proceedings (also Muniment of Title), or *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262).

Note: VTR may issue a certified copy of title in the name of a deceased owner, if needed to transfer out of state.

Certificate of Title Lost (Deceased Lienholder)

If the lienholder is deceased, it is not necessary for a certified copy of title to be issued. The administrator or executor of the deceased lienholders estate (or by all heirs if no administration) must provide lawful authority (Letters of Administration, Letters Testamentary, Heirship Affidavit, etc.) for the application.

Title is required if the titled owner is selling the vehicle.

If the owner of record has paid off the lien, then the title is required. In this instance the administrator or executor of the deceased lienholder's estate (or by all heirs if no administration) must complete the *Application for a Certified Copy of Title* (Form VTR-34). They should attach all evidence of lawful authority (Letters of Administration or Testamentary, Heirship Affidavit, etc.) to the application for CCO.

If a vehicle is titled in two individual's names and one passes away, the surviving heir of the deceased must provide either an Heirship Affidavit or Letters Testamentary and reassign the original title or provide a Bill of Sale naming the new purchaser/owner of the vehicle.

The above applies to a vehicle titled in both spouses' names. The surviving spouse (even if sole heir) must provide a separate reassignment for their part of ownership of the vehicle in addition to an Heirship Affidavit or Letters of Testamentary.

If either spouse is not the sole heir, the multiple heirs should sign the Heirship Affidavit. If all heirs cannot appear before one notary public on the same date, separate acknowledgments may be taken and attached to the form.

Joint Wills and Ownership Changes

It is not necessary for a customer to provide an affidavit of heirship when the following scenario takes place.

A married couple has joint ownership of one vehicle, and one of the spouses has sole ownership of a second vehicle. The couple filed a joint will in which either party would be the sole beneficiary in the event of the other's death. Upon the death of a spouse, the surviving spouse becomes the sole beneficiary based on the joint will (not probated).

Later, the surviving spouse drew up a new will in his/her name appointing an executor. Upon the death of the remaining spouse, the will is probated and an executor appointed has the ability to execute the will without the need of an affidavit of heirship for both spouses' portion of the estate.

No Administration and None Necessary [Estates Code 201]

If a person dies intestate (without a will), an application for *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) should be completed marking either no will left, or a will was left but no application for administration has been filed, or a court has determined that no administration is necessary. If the person died intestate, the estate passes down according to the laws of descent and distribution, and the Signature Of Affiants area of *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) should be completed accordingly, as explained in the following scenarios:

- Vehicle owner dies and is survived by spouse only or is survived by spouse and their children**;** therefore, the community property estate of the deceased spouse passes to the surviving spouse, and only that heir must sign.
- Vehicle owner follows spouse in death and is survived only by their children; therefore, the property is distributed to the surviving children, and each must sign as an heir.
- Vehicle owner dies, and the surviving spouse is not the mother or father of the decedent's surviving children; therefore, one-half of the estate passes to the surviving spouse and the other one-half passes to the surviving children. All must sign as heirs.

Note: Children legally adopted by the deceased qualify for these procedures.

Note: If there is only one surviving heir, the heir must complete the *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262). Execution by power of attorney is not acceptable.

Note: The deceased owner's death certificate is not required and should not be requested to transfer ownership when *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) is submitted.

Affidavit by all Heirs

If a vehicle is being transferred, an *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) should be completed marking either no will left or no application for administration has been filed or no administration is necessary; or a will was left and a court has determined that no administration is necessary. If an heirship affidavit is used

when a court has determined that no administration is necessary, the heirs must attach the original or certified copy of the court document indicating no administration of the will is necessary and the portions of the will which specify that the will is in the deceased owner's name and indicates the name(s) of the heir(s).

An affidavit of all heir(s) giving all facts as mentioned above is acceptable instead of a *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262). If the affidavit does not describe the vehicle, it may be accepted provided title can be established in the name of the deceased; however, if the description is not shown in the affidavit and ownership of the vehicle is being transferred, the assigned title or a bill of sale describing the vehicle must be attached.

If an affidavit of heirship does not specify the name that the vehicle titles in, then all heir(s) must either assign the title or furnish a power of attorney for some person to assign it for them.

If all the heir(s) cannot appear before one notary public on the same date, separate acknowledgments may be taken and attached to the form.

A Texas licensed dealer may reassign a title when the title is assigned to the dealer. If the dealer is designated as the purchaser on an heirship affidavit, the dealer may assign the title or use *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

An heirship affidavit is used to transfer a vehicle when an estate has been **c**losed by the court and the executor or administrator has been discharged.

When an heirship affidavit is used to transfer a vehicle when a minor heir is involved, guardianship papers must be attached.

If the lienholder recorded on a title is deceased and the estate has not been probated and there is no need for administration on the estate, but a release of lien or a certified copy of title (CCO) is required, an affidavit of heirship can be executed by the heir(s) instead of a release of lien, provided the *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) is marked "issued free and clear of liens". This form may be submitted with an *Application for a Certified Copy of Title* (Form VTR-34) to request a certified copy original title; and it may be submitted with a title application as a release of lien.

Affidavit of Heirship(s) by Disinterested Person(s)

When a person dies intestate (without a will), no application for administration has been filed, and there is no necessity for administration, then an *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) completed by a disinterested person or persons is acceptable. The heirship affidavit must state that:

- the vehicle owner of record is deceased
- the deceased left no will
- there was no administration upon the estate and no administration is necessary
- that the heir(s) named are all the heir(s) at law.

However, a disinterested person cannot name the person the title issues to. Only the surviving heir(s) may do this. If an affidavit of heirship by a disinterested person or persons is used, all heir(s) must execute a transfer of ownership or grant a power of attorney authorizing a specific person to execute the transfer for them. Transfer of ownership may be by assignment of title or by separate bill of sale.

Minor Heirs

No person may sign for a minor heir without being appointed (by the county court) guardian of the estate of such minor. The guardian of a minor continues in office unless discharged according to law until the minor dies, becomes eighteen (18) years of age, or marries. A guardian signing for the estate of a minor should show the word “guardian” adjacent to their signature or show the name of the minor immediately above their countersignature or both. Evidence of the appointment as guardian of the minor's estate should be attached to any document signed by the guardian.

If no inheritance is involved and title is desired in the name of a minor, then the name of owner should be shown. For example, John Doe, Jr. (minor) and the signature of owner: John Smith (guardian).

When there is an inheritance involved, only a legally appointed guardian may sign for a minor heir’s estate unless written authorization from the court is attached. A minor may sign for himself provided no inheritance is involved.

Small Estates [Estates Code 205]

Distribution of “Small Estates” may be made by affidavit by the distributee of the estate under certain conditions if no petition for the appointment of a personal representative is pending or has been granted, more than 30 days has elapsed since the death of the decedent, and the value of the entire assets of the estate does not exceed an amount set by statute. Such affidavit must be approved by the judge having jurisdiction and recorded in the “Small Estates” records by the clerk of the court. A copy of the affidavit, certified by the court clerk, must accompany the title transaction. The application for Texas title must be in the names of the distributee, as shown on the affidavit; or the distributee may execute an assignment and designate to who title will issue. If a distributee is a minor, the court must designate someone to sign for the minor; in which case, guardianship papers or written authorization from the court must be attached.

Note: A decedent whose assets do not warrant the minimum eligibility under the Small Estates statute must follow the Affidavit by all Heirs procedure.

Deceased Before Transfer Completed

Heirs of a deceased individual cannot transfer a vehicle on any type of documentation if the vehicle is not in the deceased individual’s name. The vehicle must first be titled in the heir’s or estate’s name prior to any subsequent transfer if an individual dies before the vehicle is transferred into the their name. The heir(s) must have the applicable documents, such as a Letters of Administration, Letters of Testamentary, or Muniment of Title, to establish their heirship in order for them to obtain a title in their name. An *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) cannot be used because the affidavit requires the title to be in the owner’s name, which in this situation it is not since the transfer was not completed prior to the purchaser’s death.

If evidence of heirship is unavailable, the applicant must obtain a court order to have the vehicle transferred into their name. A bonded title is not acceptable in these situations because it involves an operation of law.

16.5 Trusts

Titles may indicate that the vehicle is covered by a trust agreement. The most common term is the notation of “Living Trust.” Generally, the purpose of such a trust is to avoid probate on the assets placed in the trust. Legal title to the assets is transferred to the trust, but the beneficiaries of the trust may have the use of those assets during the life of the trust. One of those beneficiaries may be the trustee. Typically, upon the death of the trustee(s), the trust terminates, and the assets of the trust pass to the beneficiaries (known as “remaindermen”).

In some cases, upon the death of the original trustee, the trust agreement may provide that a successor trustee distribute the assets of the trust to the beneficiaries. Distribution of the assets by the successor trustee terminates the trust.

Transferring a Title to a Trust

The procedure for transferring a title to a trust is as follows:

1. The assignment of title on the current title must be completed to transfer the vehicle to the trust. The name of the purchaser on the assignment should be the name of the trust that is to be recorded on the title. For example, if the title is in the name of John and Mary Doe and title is to be issued in the name of John and Mary Doe Living Trust, John and Mary Doe should execute the assignment of title and show the purchaser as John and Mary Doe Living Trust.

2. The trustee must sign an application for Texas title in the name of the trust as shown on the title assignment. The properly assigned title must be surrendered with the application when it is filed with the county tax assessor-collector’s office and a properly completed original or certified copy of an Affidavit of Trust or a Statement of Fact for a Trust.

3. The name of the owner on the title application should be the same as the name of purchaser as shown on the title assignment. In this example, the name would be the John and Mary Doe Living Trust.

Transferring a Title from a Trust

The procedure for transferring a vehicle out of a trust is as follows:

1. When a vehicle that is titled in the name of a trust is transferred, the assignment of title must be completed by the trustee or by a properly appointed successor trustee. A properly completed original or certified copy of the Affidavit of Trust or a Statement of Fact for a Trust must be filed with the title transaction.

2. If the successor trustee executes the assignment of title due to the death of the trustee, a copy of the trustee's death certificate must accompany the documents referred to in step 1 above.

3. If the trustee is alive but unable to act, and the trust agreement makes no provision for the resignation of the trustee and the designation of a successor trustee, then a court (usually a district court) must be petitioned to appoint a successor trustee. If the court appoints a successor trustee, the court issues an order to that effect. A certified copy of the order must accompany the documents referred to in step1 above.
4. If no successor trustee is named, the beneficiary receives the assets of the trust. The documents referred to in step 1 above and the trustee's death certificate must accompany the application for Texas title. The application for Texas title must be in the name of the beneficiary. The title does not need to be assigned.

Note: Business entities operating as trusts or containing "trust" in their business name are governed by the Texas Finance Code, not the Texas Estates Code. These entities do not require an Affidavit of Trust or a Statement of Fact for a Trust when transferring a vehicle into or out of the entity's name.

16.6 Bankruptcies

Bankruptcy is a legal procedure for dealing with debt problems of individuals and businesses; specifically, a case filed under one of the chapters of title 11 of the United States Code (the Bankruptcy Code). Bankruptcy laws help people who can no longer pay their creditors get a fresh start by liquidating their assets to pay their debts, or by creating a repayment plan.

A Trustee is a representative of the bankruptcy estate who exercises statutory powers, principally for the benefit of the unsecured creditors, under the general supervision of the court and the direct supervision of the U.S. trustee or bankruptcy administrator. The trustee's responsibilities include reviewing the debtor's petition and schedules and bringing actions against creditors or the debtor to recover property of the bankruptcy estate. The trustee **l**iquidates property of the estate and makes distributions to creditors.

Any person signing as a "Trustee In Bankruptcy" on a title application or a title assignment must attach verification from the U.S. Bankruptcy Court that the individual has been appointed trustee. The evidence of appointment should support an assignment of title or bill of sale by the trustee or receiver in bankruptcy.

If the ownership of the vehicle has been established as a matter of Texas record in the name of the bankrupt, the title does not have to be surrendered with an application to transfer title. However, if ownership of the vehicle is from out of state, the title or current verification of title must be attached.

Recorded Lien

A release of any recorded lien must be submitted in support of the application if the title is not surrendered or if the lienholder's name cannot be tied in to the bankruptcy proceedings. A release of lien is not required if the lienholder is recorded as a secured creditor and part of the Bankruptcy proceedings.

Receivership

Receivership is a type of bankruptcy a company enters into when a receiver is appointed by bankruptcy courts or creditors to run the company. The responsibility of the receiver is to ensure as much debt is paid back to creditors as possible. Often receivers find that the best way to pay back loans is to liquidate the company's assets.

Like an “administrator of an estate” and a “trustee in bankruptcy,” a receiver is under bond for the protection of those interested in the property in receivership against unlawful acts of the receiver. An order of sale from the court is not required to apply for title (Refer to Judicial Sale), but an order of the court verifying the appointment of the receiver is necessary (written verification by the county clerk is acceptable). The order of appointment usually describes the property to be taken into the receiver's possession.

Ordinarily, the sale of a vehicle involved in receivership is performed by the receiver; but the sheriff may also sell the vehicle when ordered by the court. In this case, the purchaser must acquire a sheriff's bill of sale to apply for title. If a lien is recorded on the title, a release of that lien must be attached to any new application unless the court has ordered that the vehicle be sold free of lien and, if so, a copy of the order must be attached. If the title is not in the name of the person, company, firm, or corporation whose property is in receivership, then the title should be assigned to them.

16.7 Bank Liquidations

When the Federal Deposit Insurance Corporation (FDIC) or Deposit Insurance Fund (DIF) liquidates a bank or savings and loan association, the FDIC or DIF may sign as “successor to” a bank or savings and loan association on any release of lien, *Application for a Certified Copy of Title* (Form VTR-34) or *Repossessed Motor Vehicle Affidavit* (Form VTR-264). No evidence of authority is required to accompany the document.

Repossessions

When liquidating a bank or savings and loan association, the FDIC or DIF may sign as “successor to” on any repossession affidavit such as an *Repossessed Motor Vehicle Affidavit* (Form VTR-264), on a release of lien such as the *Prescribed Form for Release of Lien* (Form VTR-266), or on an *Application for a Certified Copy of Title* (Form VTR-34).

16.8 Repossessions

A repossession is a foreclosure by a lienholder under the terms of a lien against a motor vehicle, house trailer, trailer, or semitrailer. The department should never advise anyone that a repossession can or cannot be made. Texas title laws regarding repossessions are applicable only after the lienholder has foreclosed on the lien and repossessed the vehicle. In some situations, it is necessary for a lienholder to file suit in court to foreclose its lien.

Required Evidence

The following evidence should support an application for Texas title resulting from a repossession:

- Texas Title Evidence
- Out of State Evidence

- "Floor Plan" Lien Evidence
- Repossession Affidavit Evidence

Texas Title Evidence

A repossession affidavit as prescribed by the department, *Repossessed Motor Vehicle Affidavit* (Form VTR-264) or a notarized document with the same information as shown on the *Repossessed Motor Vehicle Affidavit* (Form VTR-264) must be completed by the lienholder or an authorized agent of the lienholder. If an agent is signing for an individual or a deceased person, evidence of that authority (power of attorney, letters testamentary, etc.) must be attached.

The original (or certified copy) title recording the lien and in the name of the person from whom the repossession was made must be assigned by the lienholder to a subsequent purchaser. No assignment of title is necessary if the title issues in the lienholder's name.

If the latest title is not in the name of the person from whom the repossession was made, the title must be assigned to that person, and either an application filed in their name recording the lien, or a certified copy of the security agreement attached. The lienholder (dealers included) must title in their name before transferring to a subsequent purchaser.

If the lien is not recorded on the latest Texas title, a certified copy of the security agreement must be attached, and the vehicle must be titled in the name of the person from whom the repossession was made. The title is not required provided a verification of title record is presented. Lienholders (dealers included) must secure title in their name when repossession is made from a security agreement only on Texas titled vehicles.

A copy of the current registration receipt must be attached to the title transaction. A recorded lienholder may repossess and transfer an unregistered vehicle; however, the vehicle must be registered when the purchaser files application for Texas title, if applicable.

Valid proof of financial responsibility is required.

Note: A "Title Only" transaction is not acceptable.

Out of State Evidence

A vehicle last titled out of state, can be repossessed and titled in Texas only under certain conditions. The out of state title has to be in the name of, or assigned to, the person from whom the repossession is made. The out of state lienholder may assign the title to transfer ownership.

A Texas lienholder recorded on an out of state title can assign the title; otherwise, the Texas lienholder must title in their name (same as unrecorded lien) before further transfer can be made.

The negotiable out of state evidence of ownership in the name of, or assigned to, the person from whom the repossession is made must be surrendered in support of the application. If the title or registration receipt (if from a non-title state) is not surrendered, the lienholder must repossess out of state and obtain a title or registration receipt in the lienholder's name from that state before transfer in Texas.

If the lienholder is unable to obtain the negotiable out of state evidence of ownership, written verification is required from the out of state authorities that indicates the recorded owner is either the lienholder or the person from whom the repossession is made and that state does not issue a title or registration receipt (if from a non-title state).

In addition to the above requirements, the following evidence must be attached to the application for Texas title:

- Properly assigned out of state title or current registration receipt (as stated above).
- Repossession affidavit, either on the *Repossessed Motor Vehicle Affidavit* (Form VTR-264) a notarized document with the same information, or a prescribed repossession affidavit from the state in which the vehicle was last registered.
- A Vehicle Inspection Report**.**
- A weight certificate for a commercial vehicle as explained in Chapter 10, "Evidence of Ownership".
- Valid proof of financial responsibility for the vehicle in the applicant's name.

Note: When processing a title transfer involving a repossession the following should be selected as surrendered ownership evidence in RTS:

- **"Repossession" when a verification of the title record is being used; or**
- **"Texas Title"/"Out-of-State Title," as applicable, when those are submitted instead of the verification.**

"Floor Plan" Lien Evidence

If the dealer is in default under the terms of the security agreement, the lienholder may repossess and transfer ownership without securing title in the lienholder's name. The following must support an application for Texas title in the name of the purchaser:

- Manufacturer's Certificate of Origin or a certificate of title assigned to the dealership and reassigned to the purchaser by the lienholder.
- *Repossessed Motor Vehicle Affidavit* (Form VTR-264).
- Photocopy of the security agreement or *Secretary of State's Financing Statement* (Form UCC1).

Note: This type of agreement generally covers all vehicles in a dealer's inventory and does not list individual vehicle identification numbers. Whether or not the security agreement has been filed with the Secretary of State does not affect the foreclosure procedure.

- Valid proof of financial responsibility for the vehicle in the applicant's name.

Note: "Title Only" transactions should not be accepted under this repossession.

Repossession Affidavit Evidence

Any indication of "repossession" in a transaction requires that the application be supported by a repossession affidavit.

Judicial Sale/Writs of Sequestration

See Judicial Sale and Writs of Sequestration.

Cosigners

When the cosigner of a note on a motor vehicle pays off the note and title is released to him by the lienholder, the following evidence is required if the owner does not assign the title to the cosigner:

- Assignment of the note transferring it from the lienholder to the cosigner. The cosigner may then follow repossession procedures; or
- Obtain a court order awarding title to the cosigner.

Repossession Affidavits

When a lienholder (an individual) repossesses, the repossession affidavit must be signed by the individual, unless a current dealer number appears adjacent to the name. If no dealer number is apparent, a power of attorney must be attached for an agent to sign.

16.9 Judicial Sale

A judicial sale is one by order, decree, or judgment of any court directing a sheriff or constable to sell at public sale property of a defendant, the proceeds of which to be returned by said sheriff or constable to the court or to the plaintiff as the order may direct.

A sheriff or constable cannot sell a vehicle at public sale without an order by a court of competent jurisdiction except under authority of the Texas Abandoned Motor Vehicle Act. Refer to Chapter 22, “Abandoned Vehicles”).

A sheriff's or constable's bill of sale (usually a printed form) is not always sufficient evidence for a purchaser to obtain a title. The bill of sale should:

- refer to the court and court order number
- correctly describe the property being sold
- provide the names of the parties to the suit, and
- provide the name and address of the purchaser as explained under the subject of receivership above, the owner and lienholder as recorded on the current title must be shown on the bill of sale or court order as a party to the suit or the title must be properly assigned and attached to the title application. If a lien is recorded on the outstanding title, a release of the lien must be attached.

A copy of the court order authorizing the sale of a vehicle should be required if the sheriff's or constable's bill of sale does not furnish sufficient information as outlined above, especially if the parties to the suit do not “tie in” with the owner and/or lienholder as recorded on the current title. In addition, if there is no record of Texas title, a copy of the court order is required. If the vehicle was last registered out of state, a Vehicle Inspection Report and verification of title and lien information from the out of state motor vehicle authorities are required.

The purchaser, shown on a judicial bill of sale, must title in their name before transferring ownership, unless the purchaser is a Texas licensed dealer in which case the dealer may transfer the vehicle by executing the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

When a judgment has been awarded in favor of a plaintiff, the court may issue a Writ of Execution directing a sheriff or constable to sell property belonging to the defendant to satisfy the judgment. A title transaction supported by a Writ of Execution must also be supported by a sheriff's or constable's bill of sale, which meets the requirements outlined above.

An involuntary divestiture of ownership occurring out of state or country is governed by the laws of the state or country in which it occurred; consequently, title should be cleared out of state/country before the vehicle may be registered and titled in Texas.

Writs of Sequestration

A court may issue a Writ of Sequestration directing a sheriff or constable to seize property for the foreclosure of a mortgage or the enforcement of a lien. A title transaction supported by a Writ of Sequestration must also be supported by a sheriff's or constable's bill of sale.

The purchaser as shown on the Sheriff's Bill of Sale must title in their name except:

- When the purchaser is a dealer, the dealer may use a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) or assign the title.
- When the purchaser is the recorded lienholder, the lienholder may transfer ownership by assigning the title.

If a Sheriff's Bill of Sale is attached to an application for Texas title, a repossession affidavit is not required because all writs of sequestration are not issued as a result of a suit being filed for the foreclosure of a mortgage.

On an out of state repossession by sequestration, a copy of the security agreement is not required. The out of state title (or registration receipt, if from a non-title state), the repossession affidavit, the Vehicle Inspection Report and the Sheriff's Bill of Sale is sufficient evidence to support the application for Texas title.

16.10 Seized and Forfeited Vehicles

If a state or federal law provides that upon commission of a certain act a "vehicle shall be forfeited" then the ownership of the vehicle transfers to the government. Under State law (Code of Criminal Procedure, Chapter 59), a vehicle seized and forfeited may be disposed (sold, transferred) after the final judgment of forfeiture. All forfeited property is administered by the attorney representing the state, acting as the agent of the state, in accordance with accepted accounting practices and with the provisions of any local agreement entered into between the attorney representing the state and law enforcement agencies.

If a local agreement has not been executed, the property is sold after the date of the final judgment of forfeiture at public auction under the direction of the county sheriff, after notice of public auction as provided by law for other sheriff's sales.

Proof of Safety Requirements

Proof of compliance with all U.S. safety standards must be filed with the title application for any motor vehicle with a non-USA vehicle identification number that has been seized or forfeited. Such proof may consist of:

- A DOT Form HS-7, which indicates that the vehicle complies with all applicable U.S. safety standards and may be titled;
- A Bond Release Letter from the National Highway Traffic Safety Administration (NHTSA) indicating the vehicle has been brought into compliance with all applicable U.S. safety standards and may be titled;
- Verification from a TxDMV Regional Service Center that a DOT Safety Certification Label is affixed to the vehicle;
- Verification (on letterhead) from the manufacturer that the vehicle was manufactured to meet NHTSA safety specifications (vehicle identification number must be shown); or
- Proof that the vehicle was previously titled in another state and therefore, proof of compliance with all applicable U.S. safety standards has been provided.

If a forfeited or seized vehicle is awarded by the courts to a law enforcement agency for their use and the vehicle information indicates the vehicle does not conform to U.S. Safety Standards (i.e., has a non-USA vehicle identification number) the department issues a non-negotiable Registration Purposes Only (RPO) receipt in the name of the law enforcement agency and marks the vehicle record “DOT PROOF REQUIRED.”

Note: These vehicles may not be sold or titled in the United States until sufficient evidence is presented to verify that the vehicle meets or has been brought into compliance with all applicable U.S. safety standards.

Contraband Laws

Under Federal Law, a vehicle used to transport narcotics, firearms, or counterfeit money in violation of the contraband laws may be seized by an officer or agent of the United States Government and the vehicle disposed of according to law.

State laws also provide for the seizure and forfeiture of vehicles to the State of Texas when such vehicles are used in the transportation of contraband narcotics in violation of provisions of the Texas Controlled Substances Act (Health & Safety Code, Title 6, Chapter 481).

- Motor vehicles seized because of a contraband violation may be disposed of by agencies of the federal government on a U. S. Marshal's Bill of Sale.
- The Texas Alcoholic Beverage Commission and the Narcotics Service of the Texas Department of Public Safety, Criminal Investigations Division, have the legal authority to seize motor vehicles carrying contraband and may dispose of these motor vehicles at a public sale by order of court.

Seizure and Sale by Comptroller

Chapter 111 of the Tax Code provides for the State Comptroller to seize and sell the property of a person who is delinquent in the payment of their taxes. When a motor vehicle is sold in accordance with this statute, the Comptroller furnishes the purchaser with a bill of sale. The bill of sale should describe the vehicle and the authority under which the vehicle was sold. This bill of sale is acceptable in place of an assigned certificate of title when the purchaser files the application for Texas title; however, if there is a lien recorded against the vehicle, a release of lien must also accompany the application for Texas title.

Seizure and Sale by Texas Alcoholic Beverage Commission

Any vehicle used for the transportation of any illicit beverage may be seized without warrant by any representative of the Texas Alcoholic Beverage Commission or any peace officer who arrests any person involved in the violation. In a suit for forfeiture of the vehicle, if the court finds the state has proved its case, the court may render judgment forfeiting the vehicle to the State and the vehicle may be sold at public or private sale. When the vehicle is sold, a sheriff's or constable's bill of sale or a bill of sale signed by an agent of the commission is sufficient evidence to support an application for Texas title (no release of lien required). If the State fails to prove that an owner or lienholder knowingly violated some provision of the code, then the court hearing the forfeiture suit may render judgment delivering possession of the vehicle to the party with the highest priority to possession of the vehicle.

Liquor Laws

Every vehicle used in the transportation of liquor in violation of the Internal Revenue Law may be “seized and forfeited” and the vehicle disposed of according to law.

Customs Laws

Any vehicle seized under the provisions of the customs laws may be disposed of according to law.

16.11 U.S. Bill of Sale

Any vehicle sold under forfeiture proceedings, which meets U.S. safety standards, may be titled in this state by the purchaser who must file an application for Texas title supported by a bill of sale from the respective United States Government Officer or Agent (such as a U.S. Marshal or an agent of the U.S. Treasury Dept.). The purchaser must apply for title in their name before selling the vehicle unless the purchaser is a licensed dealer, in which case the dealer may use a *Dealer’s Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) to reassign.

Any recorded lienholder interested in a motor vehicle seized under the provisions of the above paragraphs should contact the respective U.S. Government Agency relative to filing a claim as provided for by law; however, the filing of a claim would not affect the validity of any sale accomplished under forfeiture proceedings; and a release of lien is not required except in the case of Income Tax Liens.

16.12 Change of Name (Texas Family Code - Chapter 45)

Any adult may file a petition in court in the county of their residence requesting a name change and the court may order a change of name. If a title has been issued in the original name, an application for corrected title should be filed to record the changed name. The original title and a certified copy of the order or decree should be attached. Name changes due to marriage do not require a court order and may be corrected by indicating the new name on the *Application for Texas Title and/or Registration* (Form 130-U) when filing for a corrected title.

16.13 Divorce Suits

On the final disposition of a divorce suit (or annulment), the court may enter a decree changing the name of either party requesting a name change. An application for corrected title may be filed to correct the name on the title. A copy of the decree is suggested but not required. A statement explaining the name change is sufficient. If the ownership of a vehicle is transferred by the decree from one spouse to another, an application for transfer of title must be filed and a certified copy of the divorce decree attached.

Note: Due to the personal and confidential nature of divorce decrees, copies of the front page, page that describes the vehicle and confers ownership, and the signature page are required to be made of the certified copy.

- The Texas title is not required.
- If the vehicle was last titled in another state, the out of state title or verification of title and registration is required. If the applicant is unable to obtain the title or verification from the state in which the vehicle was last titled, the options available to obtain Texas title are as follows:
  - Pursue a “Bonded” title, if they meet the requirements set out in Transportation Code Section 501.053;
  - Obtain title in the other state, prior to transferring to Texas; or
  - Pursue litigation through a court of competent jurisdiction.
- If the title record shows a lien, a release of the lien must be attached to the application. If the lien is carried forward to the new application, the title must be attached.
- The divorce decree should adequately describe the vehicle, and the vehicle title record must be in the name of either spouse. The person awarded the vehicle is not required to title in his or her name before transferring ownership. If the vehicle is sold, the certificate of title should be assigned to the purchaser with a copy of the divorce decree. However, a Bill of Sale is acceptable when the title is not available.
- Some divorce decrees state that each party shall retain the personal property currently in his or her possession. For example, if the vehicle is titled in one spouse’s name, but is in the possession of the other spouse, the outstanding title must be properly assigned to the other spouse. Alternatively, a copy of the property settlement agreement, which is filed with the court, must be attached verifying that the other spouse has possession of the vehicle.
- A property settlement agreement between spouses is not acceptable by itself without a certified copy of the divorce decree.

16.14 Judgments and Decrees

In any civil case, a judgment or decree issued by a Texas court is sufficient evidence for the issuance of a new title, provided:

- The department was made a party to the suit (named as a defendant).
- If there is a recorded lien and the lienholder was made a party to the suit, the title and a release of the lien is not necessary.
- If the recorded lienholder was not a party to the suit, a release of the lien is required or the judgment award the vehicle free and clear of all liens.
- A judgment or decree must be the original or Certified as a true and correct copy on file with the County or District Clerk.

Note: An original or certified copy of a divorce decree is acceptable with an electronic judge's signature, if it contains a statement or stamp that the original is signed by the judge or was signed electronically.

16.15 Judicial Declaration of Incompetence

If a spouse has been judicially declared to be incompetent, the other spouse may dispose of community property. A copy of the court order must be attached to a transaction to support the authority of the competent spouse.

16.16 Texas Uniform Gifts or Transfers to Minors Act

The following procedure applies when the title holder is transferring a gift to a minor under this Act:

- The title must show the name of custodian, for example,
  Vicki Stevens Custodian for Stacey Smith under T.U.G.M.A. or T.U.T.M.A.
- The custodian named in the title assignment must complete the application for Texas title.
- The name of owner on the application may not exceed the space limitations available for the name of owner (two 30 character print lines).
- When the title is assigned VTR requires no authorization for the custodian to sign documents relating to the title transaction.
- After title has been issued, the custodian named on the title must accomplish a title transfer involving this vehicle unless there is a court order appointing someone else to act as custodian for the minor.

16.17 Judicial Orders

Transportation Code Section 501.0521

(a) A justice of the peace or municipal court judge may not issue an order related to a title except as provided by Chapter 47, Code of Criminal Procedure, or Section 27.031(a)(3), Government Code.

(b) A county or district court judge may not order the department to change the type of title for:

(1) a nonrepairable vehicle titled after September 1, 2003; or

(2) a vehicle for which the department has issued a certificate of authority under Section 683.054.

Justice of the Peace (JP) or Municipal Judge Order

When a JP or Municipal Judge holds an examining trial to determine the proper disposition of property, which has been alleged as stolen, the JP or Municipal Judge may issue an order to release the property to the person determined to be the rightful owner. However, any order from a JP or Municipal Judge in this situation must specify that the order confers ownership, not just possession, of the vehicle, before it may be titled.

A JP or Municipal Judge Order issued in accordance with Article 47.01, Code of Criminal Procedures, ordering a vehicle delivered to a government agency is acceptable for that agency to obtain a certificate of title and Exempt license plates.

County or District Court Judge Order

A county or district court judge may award ownership of a vehicle. The order must confer ownership, not just possession, of the vehicle, before it may be titled. A county or district court judge may not order the Department to change the type of title for a Nonrepairable Title issued after September 1, 2003 or for a vehicle which was issued a Certificate of Authority.

Chapter 17

RIGHTS OF SURVIVORSHIP

This chapter contains the following sections:

- ***17.1*** Rights of Survivorship Agreement
- ***17.2*** Rights of Survivorship Agreement Between Spouses
- ***17.3*** Corrected Title to Add Rights of Survivorship
- ***17.4*** Survivorship Rights Remark not Shown on the Title
- ***17.5*** Persons That are Not Married
- ***17.6*** Includes a Married Person but not Their Spouse
- ***17.7*** Title Does Not Show Rights of Survivorship
- ***17.8*** Includes the Seller of the Vehicle
- ***17.9*** Rights of Survivorship Agreement Represents Joint Ownership
- ***17.10*** Rights of Survivorship Agreement Signed in Error
- ***17.11*** Revoking the Rights of Survivorship Agreement
- ***17.12*** Title Requirements for the Survivor(s)
- ***17.13*** Entry of Rights of Survivorship into RTS
- ***17.14*** Unable to Determine Survivor

17.1 Rights of Survivorship Agreement

Transportation Code Section 501.031

(a) The department shall include on each title an optional rights of survivorship agreement that:

(1) provides that if the agreement is between two or more eligible persons, the motor vehicle will be owned by the surviving owners when one or more of the owners die; and

(2) provides for the acknowledgment by signature, either electronically or by hand, of the persons.

(b) If the vehicle is registered in the name of one or more of the persons who acknowledged the agreement, the title may contain a:

(1) rights of survivorship agreement acknowledged by all the persons; or

(2) remark if a rights of survivorship agreement is on file with the department.

(c) Ownership of the vehicle may be transferred only:

(1) by all the persons acting jointly, if all the persons are alive; or

(2) on the death of one of the persons, by the surviving person or persons by transferring ownership of the vehicle, in the manner otherwise required by law, with a copy of the death certificate of the deceased person.

(d) A rights of survivorship agreement under this section may be revoked only if the persons named in the agreement file a joint application for a new title in the name of the person or persons designated in the application.

(e) A person is eligible to file a rights of survivorship agreement under this section if the person:

(1) is married and the spouse of the person is the only other party to the agreement;

(2) is unmarried and attests to that unmarried status by affidavit; or

(3) is married and provides the department with an affidavit from the person's spouse that attests that the person's interest in the vehicle is the person's separate property.

(f) The department may develop an optional electronic rights of survivorship agreement for public use.

Transportation Code, §501.031 provides for two or more eligible persons to enter into a rights of survivorship agreement and is not restricted to spouses. A vehicle does not need to be titled in the names of all the persons in the rights of survivorship agreement; however, all persons listed on the title and as survivors are considered joint owners.

Note: A POA may not be used to sign a rights of survivorship agreement.

Notarized Affidavits

Acknowledgments by county tax assessor-collector's office personnel, including deputized full-service offices, are acceptable in place of notarized documents.

Death Certificate

Upon the death of one or more of the persons named in a rights of survivorship agreement, a copy of the deceased person(s) death certificate must always accompany the application for Texas title.

Note: A certified copy of the death certificate is not required.

17.2 Rights of Survivorship Agreement Between Spouses

Spouses do not have to provide or submit any type of documentation to verify that they are married.

Application for Texas Title

When spouses purchase a vehicle and want the title to show the Survivorship Rights remark, the spouses may complete the *Rights of Survivorship Ownership Agreement for a Motor Vehicle* (Form VTR-122) and attach it to the *Application for Texas Title and/or Registration* (Form 130-U). The title issues showing a Survivorship Rights remark. Upon the death of a spouse, the surviving spouse does not need a separate rights of survivorship form.

17.3 Corrected Title to Add Rights of Survivorship

If the original title does not have a Survivorship Rights remark, and the spouses want the remark on the title, they may apply for a corrected title. A *Rights of Survivorship Ownership Agreement for a Motor Vehicle* (Form VTR-122) may be completed and attached to the application for corrected title. The title issues showing a Survivorship Rights remark and upon the death of one of the spouses, the surviving spouse does not need a separate rights of survivorship form.

17.4 Survivorship Rights Remark not Shown on the Title

Agreement on the Title

If the title issued in one or both of the spouses' names did not include a Survivorship Rights remark, the spouses may execute the rights of survivorship agreement and retain the title until the death of either necessitates the issuance of a corrected title (if in both names) or a transfer of certificate of title (if titled only in the name of the deceased spouse). The title and a copy of the death certificate must accompany the application for Texas title.

Agreements Retained in Personal Records

Spouses also have the option of completing a *Rights of Survivorship Ownership Agreement for a Motor Vehicle* (Form VTR-122) and retaining it in their records until the death of one of the spouses necessitates the transfer of title.

Title in Both Spouses' Names

The surviving spouse may apply for a corrected title to remove the deceased spouse's name. The title, rights of survivorship agreement, and a copy of the death certificate must accompany the application for Texas title.

Certificate of Title in Either Spouse's Name

If the title is not in the name of the surviving spouse, the surviving spouse may apply for a title in their name. The title, rights of survivorship agreement, and a copy of the death certificate must accompany the application for Texas title.

17.5 Persons That are Not Married

Rights of survivorship agreements that indicate, or specify, "spouses" may not be used when the rights of survivorship agreement is between persons that are not married.

Title Shows Survivorship Rights

If two or more persons that are not married wish to enter into a rights of survivorship agreement and want the title to show the Survivorship Rights remark, they must complete a *Rights of Survivorship Ownership Agreement for a Motor Vehicle* (Form VTR-122) and attach it to the application for Texas title or corrected Texas title. The persons must also attest to their unmarried status by a notarized affidavit. A title issues showing a Survivorship Rights remark.

Upon the death of one or more of the persons named in the rights of survivorship agreement, a new title issues to the surviving person or persons or the surviving person or person's transferee upon an application for Texas title completed by the survivor or survivors. A transferee could be a licensed motor vehicle dealer.

The title and a copy of the death certificate must accompany the application for Texas title.

Title Does Not Show Survivorship Rights

If two or more persons that are not married wish to enter into a rights of survivorship agreement and do not want the title to show the Survivorship Rights remark, they may execute a *Rights of Survivorship Ownership Agreement for a Motor Vehicle* (Form VTR-122) and a notarized affidavit that attests to their unmarried status and retain the document(s) in their records until the death of one or more of the persons necessitates the transfer of title.

Upon the death of one or more of the persons named in the rights of survivorship agreement, a new title issues to the surviving person or persons upon an application for Texas title completed by the survivor or survivors.

The title, rights of survivorship agreement, affidavit that attests to the unmarried status, and a copy of the death certificate must accompany the application for Texas title.

If two or more persons that are not married wish to enter into a rights of survivorship agreement and do not want the title to show the Survivorship Rights remark, they may execute the rights of survivorship agreement on the face of the title and a notarized affidavit that attests to their unmarried status and retain the documents until the death of one or more of the persons necessitates the transfer of title.

Upon the death of one or more of the persons named in the rights of survivorship agreement, a new title issues to the surviving person or persons or the surviving person or person's transferee upon an application for Texas title completed by the survivor or survivors.

The title, affidavit that attests to the unmarried status, and a copy of the death certificate must accompany the application for Texas title.

17.6 Includes a Married Person but not Their Spouse

If a person enters into a rights of survivorship agreement with a person that is married to someone not shown on the rights of survivorship agreement and they want the title to show the Survivorship Rights remark, they must complete a *Rights of Survivorship Ownership Agreement for a Motor Vehicle* (Form VTR-122) at the time application for a title or corrected title is made. Additionally, any married person must provide a notarized affidavit from their spouse (who is not shown on the rights of survivorship agreement) which attests that they have no interest in the motor vehicle and that the motor vehicle is their spouse's (who is signing the rights of survivorship agreement) separate property.

Upon the death of one or more of the persons named in the rights of survivorship agreement, a new title issues to the surviving person or persons or the surviving person or person's transferee upon an application for Texas title completed by the survivor or survivors.

The title and a copy of the death certificate must accompany the application for Texas title.

17.7 Title Does Not Show Rights of Survivorship

If a person enters into a rights of survivorship agreement with a person that is married to someone not shown on the rights of survivorship agreement and they do not want the title to show the Survivorship Rights remark, they may execute a rights of survivorship agreement *Rights of Survivorship Ownership Agreement for a Motor Vehicle* (Form VTR-122) and a notarized affidavit from the spouse, who is not shown on the rights of survivorship agreement, which attests that they have no interest in the motor vehicle and that the motor vehicle is their spouse's (who is signing the rights of survivorship agreement) separate property.

The document(s) must be retained until the death of one or more of the persons in the rights of survivorship agreement necessitates the transfer of title in the name of the survivor or survivors.

The title, rights of survivorship agreement, notarized affidavit, and a copy of the death certificate must accompany the application for Texas title.

If a person enters into a rights of survivorship agreement with a person that is married to someone not shown on the rights of survivorship agreement and they do not want the title to show the Survivorship Rights remark, they may execute the rights of survivorship agreement on the face of the title and obtain a notarized affidavit from the spouse, who is not shown on the rights of survivorship agreement, which attests that they have no interest in the motor vehicle and that the motor vehicle is their spouse's (who is signing the rights of survivorship agreement) separate property. The document(s) must be retained until the death of one or more of the persons in the rights of survivorship agreement necessitates the transfer of title.

Upon the death of one or more of the persons named in the rights of survivorship agreement, a new title issues to the surviving person or persons or the surviving person or person's transferee upon an application for Texas title completed by the survivor or survivors.

The title, notarized affidavit, and a copy of the death certificate must accompany the application for Texas title.

17.8 Includes the Seller of the Vehicle

The seller of a vehicle may enter into a rights of survivorship agreement for the vehicle being sold if the seller is related as the child, grandchild, parent, grandparent, brother, or sister of each other person signing the rights of survivorship agreement. These relationships include those established by adoption.

17.9 Rights of Survivorship Agreement Represents Joint Ownership

A motor vehicle is jointly owned when two or more persons execute a rights of survivorship agreement, even if only one of them is the recorded owner (shown on the title). Therefore, all persons shown in a rights of survivorship agreement must act jointly when ownership is to be transferred. Likewise, a CCO application for a jointly owned vehicle must include signatures of all persons shown in the rights of survivorship agreement.

17.10 Rights of Survivorship Agreement Signed in Error

A statement of fact may be used to explain the error when the buyer or seller signs the rights of survivorship statement on the face of the certificate of title in error.

17.11 Revoking the Rights of Survivorship Agreement

If the persons named in a rights of survivorship agreement wish to revoke their rights of survivorship agreement, the certificate of title must be surrendered with a new application for Texas title and all the persons named in the rights of survivorship agreement must execute the certificate of title assignment.

17.12 Title Requirements for the Survivor(s)

Upon the death of one or more of the persons named in a rights of survivorship agreement, a title issues to the survivor(s) or to the survivor(s)' transferee upon application with the county tax assessor-collector's office and a copy of the deceased person's death certificate if**:**

- the rights of survivorship agreement is executed on the face of the title
- the title indicates the Survivorship Rights remark, or
- the rights of survivorship agreement is on file with the department (imaged records on file with the department indicate that the Survivorship Rights remark should have been shown on the title)

1. A copy of the deceased person's death certificate must support the application for Texas title.
2. If the rights of survivorship agreement is executed on the face of the title and is between persons other than spouses, additional documentation is required such as the affidavit attesting to unmarried status or the affidavit of non-interest completed by the spouse not included in the rights of survivorship agreement.

If the *Rights of Survivorship Ownership Agreement for a Motor Vehicle* (Form VTR-122) was executed and retained only in personal records, the survivor(s) is required to apply for title in their name.

17.13 Entry of Rights of Survivorship into RTS

Up to two names or "Multiple Survivors," when there are more than two survivors, may be added to the title for individuals.

Note: Up to two names or "Multiple Survivors" will print on the title under the "Survivorship Rights" remark.

The following examples should be used as a guide when determining how to process the entry of a rights of survivorship agreement in RTS. These examples apply regardless of marital status.

When an application for Texas title is presented and there are two owners who are entering into a rights of survivorship agreement with one another, counties should enter both names in the TTL010 screen. This is the only situation in which an owner's name would also be entered into the TTL010 screen to appear under the "Survivorship Rights" remark.

Example 1:

Owner(s): John Doe, Jane Doe

Survivor(s): John Doe, Jane Doe

Situation: John and Jane are assigning ROS to one another.

RTS Entry: John Doe and Jane Doe are entered on screen TTL007 and again on TTL010.

When an application for Texas title is presented, counties should only enter the survivor name(s) listed on the ROS or check "Multiple Survivors" (if there are more than two survivors) on TTL010. Since the owner's name is already captured on the record (TTL007) there is no need to repeat it in the ROS agreement.

Example 2:

Recorded Owner(s): John Doe

Survivor(s): Jane Doe

ROS Situation: John enters into ROS with Jane.

RTS Entry: John Doe is entered on TTL007. Jane Doe is entered on TTL010.

Example 3:

Recorded Owner(s): John Doe, Jane Doe

Survivor(s): Jack Doe

ROS Situation: John enters into ROS with Jack.

RTS Entry: John Doe and Jane Doe are entered on TTL007. Jack Doe is entered on TTL010.

Example 4:

Recorded Owner(s): John Doe, Jane Doe

Survivor(s): Jack Doe, Jim Doe

ROS Situation: John and Jane are entering into a ROS with Jack and Jim.

RTS Entry: John Doe and Jane Doe are entered on TTL007. Jack Doe and Jim Doe are entered on TTL010.

Example 5:

Recorded Owner(s): John Doe, Jane Doe

Survivor(s): Jack Doe, Jim Doe

ROS Situation: John enters into ROS with Jack. Jane enters into ROS with Jim.

RTS Entry: John Doe and Jane Doe are entered on TTL007. Jack Doe and Jim Doe are entered on TTL010.

17.14 Unable to Determine Survivor

Certificates of Title issued prior to April 2012 will only carry the Rights of Survivorship or Survivorship Rights remark and not the printed names. Records that do not feature the printed names on the title will need to be verified through TxDMV Regional Service Centers. (See Vehicle Record (History) in Chapter 2, "Administration and Transaction Handling Procedures").

Film records are only available for 10 years; therefore, it is possible the survivors may not be able to be verified. In this instance, the parties to the survivorship agreement must provide the necessary signatures. If unable to determine survivor(s) a bonded title is an option. If a dispute arises, a court of competent jurisdiction will be required to make a determination as to the legal owner of a vehicle.

Chapter 18

OUT OF STATE REQUIREMENTS

This chapter contains the following sections:

- ***18.1*** Motor Vehicles Brought Into State
- ***18.2*** Requirement for Title
- ***18.3*** Evidence of Ownership
- ***18.4*** Electronic Lien and Title (ELT) System
- ***18.5*** VIN Inspection
- ***18.6*** Vehicles Not Subject to Inspection
- ***18.7*** Vehicles from Indian Reservations
- ***18.8*** Trailers and Semitrailers Last Registered or Titled Out of State
- ***18.9*** Apprehended Out of State Vehicles
- ***18.10*** Out of State Miscellaneous
- ***18.11*** Certificate of Title Information for Each State

18.1 Motor Vehicles Brought Into State

Refer to Transportation Code Section 501.030.

18.2 Requirement for Title

A vehicle must be registered and titled in Texas if the owner establishes residency or becomes gainfully employed in Texas. The vehicle may be operated with current out of state license plates for 30 days.

A vehicle is not required to be registered and titled in Texas if the owner is a nonresident member of the United States Armed Forces or a non-resident student attending an accredited Texas college or university on a full-time basis. Part-time employment is allowed. The vehicle must display valid license plates and remain currently registered at all times.

A nonresident owner can transfer their vehicle in Texas under the laws of their home state by assignment of the out of state title or, if from a non-title state, by an assigned current registration receipt or a bill of sale if the registration receipt does not contain a transfer of ownership section. (The out of state registration receipt must reflect registration that is current or that has been expired for six months or less.) This procedure is reciprocal since a Texas resident can transfer their vehicle in any other state by assigning the back of the Texas title.

When a Texas resident has purchased a vehicle with an out of state title that indicates an assignment to someone other than the Texas purchaser or a licensed motor vehicle dealer, the options for the “first Texas owner” to obtain title are to pursue a Tax Collector’s Hearing, a Bonded Title, or a court order. Additionally, the same options apply when a Texas titled vehicle is sold to an out of country dealer or resident and then resold to a Texas resident on the existing Texas title.

If an assignment of title is assigned to a person in the military or non-resident student who is stationed or attending a college or university in Texas, the purchaser should apply for title and registration in their name in Texas or their home state before the vehicle may be sold or encumbered.

18.3 Evidence of Ownership

All states have some type of certificate of title law and issue a certificate of title document to convey ownership. (Refer to the Title Information for Each State Chart)

In some states, title laws apply only to certain year model vehicles; and vehicles of prior year models are excluded and issued only registration receipts. Therefore, the term "non-title state," as used in this manual, refers to states which exclude certain year motor vehicles from the title requirements.

Canada and Mexico are considered "non-titled." These countries issue annual registration receipts as evidence of ownership.

The first Texas title applicant of an out of state motor vehicle should attach the following evidence of ownership to the application for Texas title:

1. New and Unregistered Vehicle - A Manufacturer's Certificate of Origin (MCO).
2. Used Vehicle from a Title State - The out of state title with any recorded liens released and complete assignments starting with the owner as shown on the face of the title and an original Vehicle Inspection Report containing an original signature of the inspector.

Note: A release of lien is not required if there is no transfer of ownership involved and the same lienholder, as recorded on the out of state title, is shown on the application for Texas title.

3. Used Vehicle from Non-Title State – A registration receipt (current or has been expired no more than six months) with an assignment to the Texas applicant or a registration receipt (current or has been expired no more than six months) along with a bill of sale to the Texas applicant; either of which must be accompanied by an original Vehicle Inspection Report containing an original signature of the inspector.

Note: Texas licensed motor vehicle dealers may not "dealer register" a used motor vehicle in the dealership's name prior to the sale of the vehicle. Dealers who wish to secure Texas license plates for vehicles covered by manufacturer's certificates, *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97) or out of state evidence of ownership must apply for Texas Title in the dealership's name or attach a dealer license plate.

Assignment or Release of Ownership

Each state provides for an assignment or release of ownership on the certificate of title, and the information required in each assignment or release of ownership must be complete.

There are three general types of assignments on out of state titles:

- An assignment in which the seller appears before a person authorized to take acknowledgments (notary) and the purchaser's name is a part of the assignment.
- An assignment in which the seller's signature is witnessed by another individual and the name of the purchaser is a part of the assignment.
- A release of ownership in which the owner releases their interest in a motor vehicle by signing his or her name and dating the release in the designated space. If a title of this type provides a space for the purchaser's name in the release, it must be shown.

Some states provide a space on the back of their titles for an applicant to apply directly for title. These “applications for title” may not be used as an assignment or as a reassignment of title to a motor vehicle.

Some states provide for additional assignments for dealers by providing a form to be attached to their titles when all the assignments have been used. These additional assignments together with the out of state title may be used to support an application for Texas title. A *Dealer’s Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) may be used by Texas licensed dealers in the same manner. Title transactions that do not reflect a licensed out of state dealer license number are acceptable.

Note: If all the assignments are completed on an out of state title, which complies with the Federal odometer disclosure requirements, the out of state dealer must use a reassignment document, which also conforms with Federal odometer disclosure requirements to transfer ownership to a Texas dealer or resident. A bill of sale may be used if all dealer reassignments sections on the out of state title have been completed and that state does not use supplemental dealer reassignment forms or does not require the dealer to apply for title in their name. If an application for Texas title is filed, the odometer disclosure statement must be included in the bill of sale when sold to a retail purchaser if the vehicle is not exempt from odometer disclosure requirements.

Non negotiable titles issued by other states are not accepted as evidence of ownership in securing Texas title and registration.

Undisclosed Liens

Some states issue certificates of title that contain the legend: “This vehicle may be subject to an undisclosed lien.” These titles may be accepted in support of an application for Texas title.

Restricted Titles

“Restricted” out of state certificates of title which are issued for vehicles that could not pass the state's motor vehicle inspection requirements are acceptable as evidence of ownership provided a Vehicle Inspection Report is attached verifying that the vehicle has passed the Texas safety inspection requirements.

Current Registration Receipt

A validated current registration receipt or verification (by letter or fax from the proper state authorities or by a copy of the registration receipt) is evidence of ownership from a nontitle state and some foreign countries. This registration receipt should be in the name of the applicant or properly assigned to the applicant. A bill of sale may be accepted, if no assignment is provided on the registration receipt.

Validated Receipt

A validated receipt is one with an official stamp, seal, signature, or license number and date. Some receipts are only applications for registration that are mailed to the motor vehicle owners by the nontitle state; and are not validated until the fee has been paid.

Registration Receipt

A registration receipt from a nontitle state or country is acceptable evidence of ownership for six months after expiration of registration. If the receipt is not current, a statement must be attached that the surrendered registration receipt is the last registration for the vehicle. The statement must be signed by the owner, as shown on the receipt, and by all other owners that have owned the vehicle since the date of expiration. Additionally, the statement should explain if the vehicle has been registered since the last registration date.

Registration Receipt from a Non-title State

A registration receipt from a non-title state or country must show a complete chain of transfers to the Texas title applicant.

Out of state evidence surrendered to support an application for Texas title should be examined with consideration of the laws of that state or country.

Joint Ownership

If the words “or” or “and/or” are shown to indicate dual or joint ownership on any out of state evidence, either one or both of the owners may assign the evidence of ownership as seller(s) or make application for Texas title. However, the words “or” or “and/or” cannot be shown on the *Application for Texas Title and/or Registration* (Form 130-U). If dual or joint ownership is indicated by the word “and” on the out of state evidence, then both owners must release their interest or provide a power of attorney from the one not signing. (Refer to Chapter 11, “Signature - Authority to Sign” for further discussion)

Estates

When an out of state title has been issued in the name of an estate and states the name of the executor, administrator, guardian, etc., or the title is issued in the name of the executor, administrator, guardian, etc., no proof of authority is required for an application for a Texas title in the name of the estate or in the name of the executor, administrator, guardian, etc., or for the title assignment.

18.4 Electronic Lien and Title (ELT) System

States with an ELT program allow for the electronic recording of liens. Accordingly, no title document is issued until a lien is satisfied. Once an electronic lien is satisfied, a clear certificate of title is issued. The clear title may or may not exhibit the following indicators:

- A prior lien notation
- An “ELT designation”
- A new title issuance date indicating when the lien was released
- The dealer’s name as either the addressee or the new lienholder

County tax assessor-collector’s offices should check for one of the indicators when processing transactions involving a title from an ELT state submitted with a secure POA. If one of the above indicators is noted on a title, use of the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) is acceptable.

The states currently identified as implementing an ELT program are:

- Arizona – AZ
- California – CA
- Florida – FL
- Hawaii – HI
- Idaho – ID
- Kansas – KS
- Massachusetts – MA
- New York - NY
- Ohio – OH
- Pennsylvania – PA
- Virginia – VA
- Washington – WA

Applicants wishing to transfer a title from an ELT state to a Texas title must present the out of state title as proof of ownership. Otherwise, they should apply for “Registration Purposes Only” or go through the hearing/bond process to secure a negotiable Texas Certificate of Title.

18.5 VIN Inspection

A vehicle last registered and/or titled outside of Texas must pass a Texas vehicle safety inspection, and the vehicle identification number must be verified by a TxDPS authorized safety inspection station before applying for Texas title and/or registration unless the vehicle is exempt from obtaining a safety inspection (Refer to“Vehicles Not Subject to Inspection”). The vehicle safety inspection station completes a Vehicle Inspection Report and provides it to the applicant at the time of inspection. The applicant is required to submit an original Vehicle Inspection Report to the county tax assessor-collector’s office when applying for Texas title with registration. The Vehicle Inspection Report must be original and contain an original signature of the inspector. A copy is not acceptable.

Vehicle Inspection Report

The Vehicle Inspection Report must be properly completed and reflect the correct vehicle identification number, odometer reading, and description of vehicle as follows:

Motor Number of 1955 and Prior Models

The motor number must be shown on the Vehicle Inspection Report and on the application for Texas title and agree with the out of state basic evidence except as follows:

- If the basic out of state evidence records a serial number for a 1955 or prior model and the Vehicle Inspection Report also records the serial number, the vehicle may be titled under the serial number.
- If the basic out of state evidence records the motor number of a 1955 or prior model and the Vehicle Inspection Report records the serial number, the transaction must be rejected for a corrected Vehicle Inspection Report showing the motor number, a pencil tracing of the motor number, or a *Law Enforcement Identification Number Inspection* (Form VTR-68-A). The vehicle title must be titled using the motor number.

Serial Number of 1956 and Later Models

The serial number of 1956 and later models and all Ford, Mercury, and Lincoln vehicles manufactured since March 31, 1932, must be shown on the Vehicle Inspection Report and on the application for Texas title. The serial number provided on the Vehicle Inspection Report and the application for Texas title must agree with the out of state ownership evidence. However, if the basic out of state evidence records a motor number, the owner must provide a pencil tracing of both the motor number and the serial number and the vehicle titles under the serial number.

Identification Number and Vehicle Description Errors

Refer to Chapter 7, Section 7.11 Motor and Permanent VIN Errors for additional information.

Information Agreement

The make of vehicle, year model, and body style as shown on the out of state evidence must agree with the description as shown on the Vehicle Inspection Report except when it can be determined that the out of state evidence is in error or that the inspector has made a mistake in the description of vehicle and the correct make, year model, or body style can be confirmed by the vehicle identification number. If it is determined that the make, year model, or body style is recorded on the out of state evidence in error, but is shown correctly on the Vehicle Inspection Report the owner does not need to obtain verification from the state that issued the incorrect evidence of ownership. If it is determined the out of state ownership evidence is correct, but the Vehicle Inspection Report is in error, a corrected Vehicle Inspection Report is not required.

License Numbers

Out of state license numbers are not required on the Vehicle Inspection Report; however, this information should be shown, if possible.

Inspection Information

- A Vehicle Inspection Report will contain the date, station number, and name of the station, and an original signature of the inspector is always required.
- In the event a Vehicle Inspection Report indicates that a vehicle identification number is missing, altered, or illegible, the department may assign a number in accordance with the provisions of Transportation Code Section 501.032.

- The current odometer reading at the time of the inspection should be recorded on the Vehicle Inspection Report by the inspector. When the Vehicle Inspection Report conflicts with the mileage recorded on the title application/assignment on the title, the mileage on the title application/assignment on the title must be used.

Vehicle Inspection

An owner of a vehicle last titled and/or registered outside of Texas must provide a Vehicle Inspection Report if the application includes registration.

The provisions of Transportation Code Section 501.030 require a vehicle last titled and/or registered outside of Texas to pass a Texas vehicle safety inspection before it may be titled with registration in Texas and applies to all motor vehicles except if the vehicle is/will be:

- registered, but is exempt from a Texas vehicle safety inspection (refer to Chapter 18, Section 18.6 Vehicles Not Subject to Inspection).
- registered and is subject to a Texas vehicle safety inspection; however, the vehicle is located outside of Texas.
- titled, but will not be operated on Texas public roads (Title Only- registration will not be issued).
- titled, but ineligible for registration under Texas law.

An applicant may self-certify the VIN if one of these four situations applies by completing the *Vehicle Identification Number Certification* (Form VTR-270). If one of these four situations does not apply, the vehicle must pass a Texas state safety inspection or obtain a VIN inspection completed by law enforcement on the *Law Enforcement Identification Number Inspection* (Form VTR-68-A).

If an applicant self-certifies a VIN for a vehicle that was last titled and/or registered outside of Texas, the VIN CERTIFICATION WAIVED remark must be applied manually to the vehicle record. This applies regardless of the vehicle type.

Note: Anytime the *Vehicle Identification Number Certification* (Form VTR-270) is used for VIN verification, the vehicle's record must be marked with VIN CERTIFICATION WAIVED.

Vehicles Located Outside of Texas

A Texas resident whose vehicle is located outside of Texas may apply for Title Only or title and registration. In either situation, since the vehicle is located outside of Texas, the vehicle is not subject to a Texas vehicle safety inspection; therefore, the applicant must obtain a *Law Enforcement Identification Number Inspection* (Form VTR-68-A) or complete the *Vehicle Identification Number Certification* (Form VTR-270). If the *Vehicle Identification Number Certification* (Form VTR-270) is used to self-certify the VIN, the motor vehicle record must be marked with VIN CERTIFICATION WAIVED.

The applicant is not limited as to the reason for the vehicle being located outside of Texas and is not required to submit any proof establishing the vehicle is located outside of Texas.

VIN CERTIFICATION WAIVED

This remark must be applied to the motor vehicle record of any motor vehicle, regardless of type, when an applicant self-certifies the VIN on the *Vehicle Identification Number Certification* (Form VTR-270). If the vehicle is issued Texas title and registration but was located outside of Texas, the vehicle must pass a Texas vehicle safety inspection upon entry of the vehicle into Texas. The applicant is required to apply for a corrected title in order to remove the VIN CERIFICATION WAIVED remark. An original Vehicle Inspection Report signed by the inspector and the Texas title are required to support the application. If the out of state vehicle was issued Registration Purposes Only (RPO), a corrected RPO application must be submitted upon entry of the vehicle into Texas supported by an original Vehicle Inspection Report signed by the inspector. In all cases, the applicant is responsible for the $28/33 title application fee.

18.6 Vehicles Not Subject to Inspection

Transportation Code Section 548.052

This chapter does not apply to:

(1) a trailer, semitrailer, pole trailer, or mobile home moving under or bearing a current factory-delivery license plate or current in-transit license plate;

(2) a vehicle moving under or bearing a paper dealer in-transit tag, machinery license, disaster license, parade license, prorate tab, one-trip permit, antique license, custom vehicle license, street rod license, temporary 24-hour permit, or permit license;

(3) a trailer, semitrailer, pole trailer, or mobile home having an actual gross weight or registered gross weight of 4,500 pounds or less;

(4) farm machinery, road-building equipment, a farm trailer, or a vehicle required to display a slow moving vehicle emblem under section 547.703;

(5) a former military vehicle, as defined by Section 504.502; or

(6) a vehicle qualified for a tax exemption under Section 152.092, Tax Code; or

(7) a vehicle for which a certificate of title has been issued but that is not required to be registered.

A vehicle is not subject to the Texas safety inspection requirements if the vehicle is exempt from the safety inspection requirements, located outside of Texas, or will not operate on Texas public roads (no registration is issued). Exemptions from Texas vehicle safety inspection are limited to (including vehicles currently meeting or registering as the following):

- trailers, semitrailers, pole trailers, or mobile homes with a current factory-delivery license plate or current in-transit license plate;
- vehicles with a paper dealer in-transit tag, machinery license, disaster license, parade license, prorate tab, one-trip permit, vehicle transit permit, antique license, custom vehicle license, street rod license, temporary 24-hour permit, or permit license;
- trailers, semitrailers, pole trailers, or mobile homes with an actual gross weight or registered gross weight of 4,500 pounds or less;

- farm machinery, road-building equipment, a farm trailer, or a vehicle required to display a slow-moving-vehicle emblem;
- former military vehicle, as defined by Section 504.502;
- vehicles eligible for registration, but not registered (Title Only); and
- vehicles that cannot be registered for on road use (off-highway use only).

18.7 Vehicles from Indian Reservations

Native American Tribal titles from tribes that are federally recognized and are accepted by the appropriate state authority are acceptable title documents to support application for Texas Title. The tribal title requires the supporting documentation as that of other out of state titles (but "FOREIGN EVIDENCE" is the appropriate selection in RTS to avoid NMVTIS inquiry errors.). The states of North Dakota and Oklahoma have confirmed acceptance of tribal titles within their jurisdictions.

For the latest information on federally recognized Tribal Nations see:

http://www.ncsl.org/issues-research/tribal/list-of-federal-and-state-recognized-tribes.aspx

18.8 Trailers and Semitrailers Last Registered or Titled Out of State

Acceptable evidence of ownership on used trailers and semitrailers from out of state is as follows:

- The certificate of title is required for all trailers and semitrailers from title states.
- A registration receipt is required for all trailers and semitrailers from non-title states.

The Vehicle Inspection Report issued by a TxDPS authorized safety inspection station, must support each application for Texas title for out of state trailers and semitrailers except as provided in Transportation Code Section 501.030.

A weight certificate must be attached to an application for Texas title to a trailer or semitrailer.

Note: The space for weight on the application for Texas title must record the empty weight of a trailer or semitrailer.

18.9 Apprehended Out of State Vehicles

Out of state vehicles registered in Texas as the result of being apprehended for registration violations are not subject to the safety inspection requirements, provided the application is for "Registration Purposes Only" shows an out of state address. The applicant must obtain a *Law Enforcement Identification Number Inspection* (Form VTR-68-A) or complete the *Vehicle Identification Number Certification* (Form VTR-270). If the *Vehicle Identification Number Certification* (Form VTR-270) is used to self-certify the VIN, the motor vehicle record must be marked with VIN CERTIFICATION WAIVED. A Vehicle Inspection Report is required if a Texas address is shown unless the applicant is eligible to use the *Vehicle Identification Number Certification* (Form VTR-270).

Note: The department or a Law Enforcement Officer is authorized to waive the requirements of a weight certificate for commercial vehicles.

Note: When a vehicle is being registered as the result of an apprehension, the county tax assessor-collector's office must check the box to indicate apprehension.

18.10 Out of State Miscellaneous

Registration Purposes Only

If a holder of a Registration Purposes Only receipt issued by Texas desires a negotiable Texas Title, a Vehicle Inspection Report is not required if the Texas registration receipt or non negotiable title was issued prior to September 1, 2001.

Out of State License Plates

A Vehicle Inspection Report is required when the evidence supporting an application for Texas title is a tax collector's hearing order or an auction sales receipt covering a vehicle that displays out of state license plates.

Mixed Component Parts

Any application for a Texas title supported by out of state evidence and accompanied by further evidence of ownership for motor, frame, or body to correct one of the component parts of the vehicle should not be accepted; correction should be made by the state in which the vehicle was last registered or titled. However, if that state refuses to issue corrected evidence, a letter from the out of state titling entity stating such fact must be attached to the transaction. If the change was made in Texas, the same procedure should be followed as if the vehicle were titled in Texas (Refer to the TxDMV Assembled and Rebuilt Vehicle Manual).

18.11 Certificate of Title Information for Each State

Table 18-1 (Current as of 1/12).

Table 18-1 Title Information for Each State

State	Applicable To And Exceptions
Alabama	Every motor vehicle not more than 35 model years old and travel trailers not more than 20 model years old. ATVs and off-road vehicles are not titled.
Alaska	All year model vehicles, except salvage, ATVs and off-road vehicles.
Arizona	All year model vehicles, except mopeds.
Arkansas	All year model vehicles, except off-road vehicles and mopeds.
California	All year model vehicles.
Colorado	All year model vehicles, except ATVs, off-road vehicles, and mopeds.
Connecticut	All 1981 and subsequent year model vehicles. All trailers less than 3,000 lbs. gross weight, ATVs, off-road vehicles, and mopeds are not titled.
Delaware	All year model vehicles, except ATVs and off-road vehicles.
Dist. Of Columbia	All year model vehicles, except ATVs and off-road vehicles.
Florida	All year model vehicles, except ATVs and off-road vehicles purchased prior to 7/1/02, and trailers weighing less than 2,000 lbs and mopeds.
Georgia	All 1986 and newer year model vehicles except ATVs, mopeds, off-road vehicles, homemade trailers, and utility trailers weighing less than 2,000 lbs.
Hawaii	All year model vehicles, except trailers of all sizes, ATVs, off-road vehicles, and mopeds.
Idaho	All year model vehicles, all trailers over 2,000 lbs. unladen, certain mopeds, and new all new purchases of ATVs or off-road vehicles.

State	Applicable To And Exceptions
Illinois	All year model vehicles.
Indiana	All year model vehicles and camping trailers manufactured after January 1, 1986, except mopeds and the titling of ATVs is optional.
Iowa	All year model vehicles and ATVs new or acquired on or after January 1, 2000, except trailers/semitrailers with an unladen weight of 2,000 lbs. or less.
Kansas	All year model vehicles, trailers over 2,000 lbs. gross weight, farm trailers over 6,000 lbs. or more.
Kentucky	All year model vehicles, except off-road vehicles and mopeds. ATVs are optional.
Louisiana	All year model vehicles.
Maine	All 15 year model vehicles and newer, except any trailer with an unladen weight of 3,000 lbs. or less, ATVs, mopeds, and motorcycles with less than 300 cc.
Maryland	All year model vehicles, except mopeds. Boat and utility trailers with a 2,500 GVWR or less and ATVs are optional.
Massachusetts	All vehicles purchased after 9/1/72, except trailers having a gross weight of 3,000 lbs. or less, ATVs, off-road vehicles, and mopeds.
Michigan	All year model vehicles, off-road vehicles, and trailers weighing more than 2,500 lbs., except mopeds.
Minnesota	All year model vehicles except trailers having a gross weight of 4,000 lbs. or less unless secured by a lien or previously titled, trailers designed primarily for agricultural purposes, ATVs, and off-road vehicles.
Mississippi	All motor vehicles manufactured or assembled after July 1, 1969 and all user car transactions after July 1, 1969 or brought into the state from a state requiring titling. Titling for all other vehicles bought in the state are optional, except pole trailers, utility trailers of less than 5,000 lbs. gross vehicle weight, ATVs, and off-road vehicles are not titled.
Missouri	All year model vehicles, except mopeds.
Montana	All year model vehicles and off-highway vehicles, except mopeds.
Nebraska	All year model vehicles, ATVs (purchased new after 1-1-04), UTVs (purchased after 1-1-12), low speed vehicles (purchased after 1-1-12), except mopeds, utility trailers with gross weight of 9,000 lbs. or less, and off-road vehicles.
Nevada	All year model vehicles except ATVs. Mopeds are optional.
New Hampshire	Vehicles that are 15 model years old and newer, and heavy trucks (3 or more axles) and truck-tractors with a gross weight in excess of 18,000 lbs. Trailers with a gross weight of less than 3,001 lbs., off-road, ATVs, and mopeds are exempt.
New Jersey	All year model vehicles, except certain non-conventional type vehicles.
New Mexico	All year model vehicles.
New York	1973 and newer models except mopeds, off-highway vehicles, trailers with an unladen weight less than 1,000 lbs., and ATVs.
North Carolina	All year model vehicles, except ATVs, mopeds and off-road vehicles.
North Dakota	All year model vehicles, and off-highway vehicles except luggage and utility trailers.
Ohio	All year model vehicles, except all trailers with a GVW of 4,000 lbs. or less, mopeds, off-road vehicles.
Oklahoma	All year model vehicles except for ATVs and off-road vehicles (purchased prior to 7/1/05). Boat, luggage, and utility trailers are exempt.
Oregon	All year model vehicles. Trailers with a loaded with of 1,800 lbs. or less and ATVs are optional.
Pennsylvania	All year model vehicles.
Rhode Island	All vehicles 10 years old or newer must be titled, except ATVs, off-road vehicles, trailers having a carrying capacity of 3,000 lbs. or less, and mopeds.
South Carolina	All year model vehicles, except for mopeds, and ATVs.
South Dakota	All year model vehicles, except mopeds (optional).
Tennessee	All year model vehicles and off-road vehicles, except for boat and collapsible camping trailers.
Texas	All year model vehicles, except for trailers and semitrailers with a gross weight of 4,000 lbs. or less.
Utah	All year model vehicles, except trailers with an unladen weight of 750 lbs. or less.
Vermont	All vehicles 15 years old or newer, and ATVs/off-road vehicles beginning with 2004 model year. Trailers with an unladen weight of 1,500 lbs. or less and motorcycles with less than 300 cubic centimeters of engine displacement and mopeds are exempt.
Virginia	All year model vehicles, except ATVs, off-road vehicles, and mopeds.
Washington	All year model vehicles.
West Virginia	All year model vehicles.

State	Applicable To And Exceptions
Wisconsin	All year model vehicles, except trailers 3,000 lbs. or less unladen weight or ATVs and off-road vehicles.
Wyoming	All year model vehicles.

Chapter 19

IMPORTED VEHICLES

This chapter contains the following sections:

- ***19.1*** Motor Vehicles Brought Into State
- ***19.2*** Evidence of Ownership
- ***19.3*** Additional Documentation
- ***19.4*** Proof of Compliance with USDOT Safety Requirements
- ***19.5*** United States Customs Entry/Clearance Documentation
- ***19.6*** Registration Purposes Only (RPO) for Foreign Vehicles
- ***19.7*** Tax Collectors Hearing or Bonded Title for Foreign Vehicles
- ***19.8*** List of Manufacturers to Notify For Proof of Compliance

19.1 Motor Vehicles Brought Into State

Transportation Code Section 501.030

(a) Before a motor vehicle that was last registered or titled in another state or country may be titled in this state, the county assessor-collector shall verify that the vehicle has passed the inspections required by Chapter 548, as indicated in the Department of Public Safety's inspection database under Section 548.251.

(b) Before a motor vehicle that was not manufactured for sale or distribution in the United States may be titled in this state, the applicant must:

(1) provide to the assessor-collector:

(A) a bond release letter, with all attachments, issued by the United States Department of Transportation acknowledging:

(i) receipt of a statement of compliance submitted by the importer of the vehicle; and

(ii) that the statement meets the safety requirements of 19 C.F.R. Section 12.80(e);

(B) a bond release letter, with all attachments, issued by the United States Environmental Protection Agency stating that the vehicle has been tested and shown to conform to federal emission requirements; and

(C) a receipt or certificate issued by the United States Department of the Treasury showing that all gas guzzler taxes due on the vehicle under 26 U.S.C. Section 4064(a) have been paid; or

(2) provide to the assessor-collector proof, satisfactory to the department, that the vehicle was not brought into the United States from outside of the country.

(c) Subsections (a) and (b) do not apply to a motor vehicle lawfully imported into the United States by a distributor or dealer from the vehicle's manufacturer.

(d) If a motor vehicle has not been titled or registered in the United States, the application for title must be accompanied by:

(1) a manufacturer's certificate of origin written in English issued by the vehicle manufacturer;

(2) the original documents that constitute valid proof of ownership in the country where the vehicle was originally purchased, with an English translation of the documents verified as to the accuracy of the translation by an affidavit of the translator; or

(3) if the vehicle was imported from a country that cancels the vehicle registration and title for export, the documents assigned to the vehicle after the registration and title were canceled, with an English translation of the documents verified as to the accuracy of the translation by an affidavit of the translator.

(e) Before a motor vehicle that is required to be registered in this state and that is brought into this state by a person other than a manufacturer or importer may be bargained, sold, transferred, or delivered with an intent to pass an interest in the vehicle or encumbered by a lien, the owner must apply for a title in a manner prescribed by the department to the county assessor-collector for the county in which the transaction is to take place. The assessor-collector may not issue a title receipt unless the applicant delivers to the assessor-collector satisfactory evidence of title showing that the applicant is the owner of the vehicle and that the vehicle is free of any undisclosed liens.

(f) A county assessor-collector may not be held liable for civil damages arising out of the failure to reflect on the title receipt a lien or encumbrance on a motor vehicle to which Subsection (e) applies unless the assessor-collector's failure constitutes willful or wanton negligence.

(g) Until an applicant has complied with this section:

(1) a county assessor-collector may not accept an application for title; and

(2) the applicant is not entitled to an appeal as provided by Sections 501.052 and 501.053.

Note: As a result of a decision handed down by the United States Fifth Circuit Court of Appeals, the department is prohibited from enforcing the provision of this statute that requires the surrender of a bond release letter from the Environmental Protection Agency.

19.2 Evidence of Ownership

All vehicles imported into the United States must have proper evidence of ownership. The original documents constituting valid proof of ownership in the country in which the vehicle was most recently registered and/or titled must be surrendered when application is made for a Texas Certificate of Title. (A certified copy of the foreign evidence of ownership is acceptable, if certified by the appropriate foreign registrar.) For example, the Fahrzeugbrief title document issued by Germany is acceptable evidence of ownership for vehicles imported into the United States.

National Reference Guides

National reference guides may be used to identify acceptable foreign evidence of ownership and other documents. (Supplemental documents distributed by the department may be used to identify acceptable foreign evidence of ownership.) Documents not illustrated in the reference guides that are presented as evidence of ownership must be approved by a TxDMV Regional Service Center manager, prior to acceptance by a county tax assessor-collector's office. If the ownership and description of a vehicle cannot be determined or there is doubt regarding information on a foreign document, a translation into the English language is required. The translation must contain a notarized or acknowledged affidavit from the translator, including the name and address of the translator.

Vehicle Registration and Title Canceled Upon Export

If a vehicle is imported from a country that cancels the vehicle registration and title upon export, the documents assigned to the vehicle after the registration and/or title have been canceled would be acceptable evidence of ownership. (If a translation is required, refer to the previous paragraph.)

Manufacturer's Certificate of Origin (MCO)

A secure Manufacturer's Certificate of Origin (MCO) is required on all new imported vehicles. The "New Vehicle Information Statement" (NVIS) issued by Canada is acceptable instead of an MCO with a bill of sale or dealer reassignment form to the first Texas retail purchaser.

Foreign Bills of Sale

Foreign bills of sale or invoices are not acceptable without proper evidence of ownership from the country in which the vehicle was last registered, and only if the evidence of ownership does not contain a transfer of ownership section. These documents must identify the vehicle (make, year model, and vehicle identification number or foreign registration), indicate the name of the buyer and seller, and be acknowledged and dated.

Transfers to the Applicant

Surrendered evidence must reflect a proper transfer to the first United States purchaser or importer and contain a complete chain of transfers to the applicant.

The Notation D.B.A.

When an individual's name is shown with the notation "D.B.A." followed by the name of a dealership on foreign evidence of ownership, a separate affidavit is required from the dealership certifying that the individual is an agent/employee of the dealership.

Salvage Vehicles

Caution should be taken to observe any vehicular remark or restrictions that would impede titling and registration of such vehicles such as non-repairable, parts only, dismantler purposes only, etc.

Document Alterations

Alterations on foreign documents are not acceptable. Written verification from the appropriate foreign country must be obtained by the applicant.

19.3 Additional Documentation

Additional documentation required on a foreign/imported vehicles includes:

- A Vehicle Inspection Report completed by a State approved Safety Inspection Station, must accompany all vehicles imported into the United States (except certain vehicles owned by members of the German Federal Armed Forces).
- The Inspection Report on the bottom of the *Law Enforcement Identification Number Inspection* (Form VTR-68-A) must be completed by a law enforcement officer as described in Chapter 13, "Vehicle Identification Numbers" under Inspection. The completed *Law Enforcement Identification Number Inspection* (Form VTR-68-A) must accompany any title documentation supported by foreign evidence except for military evidence. U.S. military personnel, including immediate family members, returning to Texas military bases are no longer required to submit a *Law Enforcement Identification Number Inspection* (Form VTR-68-A). However, proof of active duty is required.
- A weight certificate on all imported commercial motor vehicles in excess of 10,000 lbs.
- Proof of compliance with all U. S. Department of Transportation (USDOT) safety requirements, if applicable.

Note: Vehicles with year models 25 years old or older are exempt from safety compliance.

- U. S. Customs' entry/clearance documentation.
- Valid proof of financial responsibility for the vehicle in the applicant's name. (Refer to Chapter 11 of the `TxDMV Motor Vehicle Registration Manual`.)
- All foreign vehicles imported into Texas for title and registration purposes are subject to odometer requirements. (Refer to Transportation Code Section 501.072)
- A receipt or certificate issued by the U. S. Department of Treasury showing that any and all gas-guzzler taxes have been fully paid, if applicable. A copy of the IRS Form 720 that was filed by the applicant, accompanied by a copy of the canceled check, is also acceptable proof of payment.

19.4 Proof of Compliance with USDOT Safety Requirements

When an applicant applies for a Texas Certificate of Title on an imported motor vehicle, the application must be supported by acceptable proof of compliance with all USDOT safety requirements, if applicable.

USDOT Form HS-7

Importers of vehicles must file a USDOT Form HS-7**,** *Application for (Declaration) Importation of Motor Vehicles and Motor Vehicle Equipment Subject to Federal Motor Vehicle Safety, Bumper and Theft Prevention Standards*, (available at ports of entry) at the time a vehicle is imported to declare whether the vehicle complies with all applicable federal motor vehicle safety standards (USDOT safety requirements). The USDOT Form HS-7 must be validated with an original U. S. Customs stamp or an ABI electronic release which includes a date and time stamp, or must be accompanied by other U. S. Customs entry/clearance documentation.

Refer to the quick reference at the end of this chapter to determine title and registration requirements that are applicable to the various blocks checked on the USDOT Form HS-7.

Note: Vehicles with year models that are 25 years old or older are exempt from these requirements.

Automated Broker Interface (ABI) system

The USDOT and U. S. Customs House Brokers have established an Automated Broker Interface (ABI) system that allows importers to provide USDOT HS-7 information electronically to USDOT on Customs releases. Instead of a USDOT Form HS-7, a title applicant can provide a properly completed ABI screen that serves as a U. S. Customs entry/clearance documentation and shows the USDOT safety requirement eligibility information normally provided on the USDOT Form HS-7**.** The following information must be included on the ABI screen:

- The description of the vehicle (year model, make, VIN, and model);
- The USDOT Form HS-7 box number of eligibility* (1, 2A, 2B, 3, 5, 7, 8, 9 & 12);
- U. S. Customs entry number; and
- A reference notation, such as “USDOT” or “DOT.”

Note: If Box 3 is indicated, the registered importer number is also required on the ABI screen.

USDOT Safety Certification

Vehicles manufactured to meet all applicable USDOT safety requirements have a USDOT Safety Certification label affixed by the original manufacturer in the area of the driver-side door. A vehicle without this certification label must be imported as a nonconforming vehicle through a USDOT Registered Importer and post a USDOT Bond.

Note: A current listing of Registered Importers is available on NHTSA’s Web page at `www.nhtsa.dot.gov/cars/rules/import`**.**

Vehicles Imported Under Bond

If the vehicle is imported under bond, one of the following documents is required:

- An original bond release letter from the USDOT, with all attachments referred to in the letter, if any; or
- An applicant claiming exemption from the USDOT safety requirements must provide a legible copy of a USDOT Form HS-7 (yellow copy) as filed with the USDOT, which confirms the exemption. These forms must be validated with an original Customs stamp. Certified copies by U. S. Customs are also acceptable.

Vehicle Inspections

If a vehicle is manufactured in compliance with USDOT safety requirements and is imported into the United States (such as military personnel returning from overseas duty, individuals returning from Canada, etc.), and the owner is unable to produce the USDOT Form HS-7, U. S. Customs may inspect the vehicle and certify whether or not the vehicle conforms to USDOT safety requirements. If it is confirmed that the vehicle complies with USDOT safety requirements, certification on U. S. Custom's letterhead and signed by a customs agent is acceptable instead of the USDOT Form HS-7.

The department may also inspect the vehicle to confirm that a USDOT Safety Certification Label has been affixed to the driver side door area by the original manufacturer or USDOT Registered Importer. This inspection serves only as proof of compliance with USDOT safety requirements. The U. S. Customs entry/clearance documentation is also required.

USDOT Form HS-7 Problems

If the U. S. Customs documentation or USDOT Form HS-7 is not properly completed and stamped, the applicant must contact the vehicle manufacturer or U. S. Department of Transportation (USDOT) for a written (letter) of vehicle compliance. For manufacturer's contact information see Table 19-1. The telephone number for NHTSA's Office of Vehicle Safety Compliance is (202) 366-5291.

Proof of Compliance

Proof of compliance is also required on imported vehicles under the following conditions:

- Apprehended vehicle (refer to "Registration Purposes Only (RPO) for Foreign Vehicles").
- Vehicles sold at public auction by federal, state, and local law enforcement agencies.
- Vehicles with a non-USA vehicle identification number that have been seized or forfeited. (Refer to Chapter 16, "Operation of Law").
- Salvage vehicles that have been rebuilt.
- The *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97) issued by the U. S. Government.
- Storage and mechanics liens.
- Court order awarding ownership to a Texas resident.

Exceptions

The following are exceptions to the above-mentioned requirements; and in these instances, proof of USDOT safety compliance is not required.

- If a vehicle is manufactured in a foreign country and the title transaction is supported by a Manufacturer's Certificate of Origin invoiced to a United States dealer or distributor.
- If the motor vehicle's year model is 25 years old or older.
- Vehicles imported into the United States from a U. S. Territory (American Samoa, Baker and Howard Islands, Commonwealth of the Northern Marianas Islands, Federated States of Micronesia, Guam, Jarvis, Johnston, Kingman Reef, Marshall Islands, Midway, Navassa, Palau, Palmyra, Puerto Rico, U.S. Virgin Islands, and Wake), were declared to U. S. Customs when imported into that territory and were required to meet the same standards as those vehicles imported into the United States.
- Vehicles which have been titled in the United States and shipped overseas (as in the case of vehicles owned by military personnel) are required to be declared to U. S. Customs upon reentering the United States; however, an application for Texas title and registration may be accepted without USDOT proof of compliance if the vehicle is currently titled in the United States. The certificate of title is sufficient to substantiate that the vehicle has met U. S. specifications.
- Vehicles that have been seized and forfeited under Federal or State contraband laws and awarded by court order to a law enforcement agency for their official use. (Refer to Chapter 16, "Operation of Law" for further information).
- U.S. Customs documentation should not be required if a vehicle is manufactured in the United States and transferred on a security-type Manufacturer's Certificate of Origin (MCO), which reflects a 17-character VIN. Whether or not the vehicle is transferred by the U.S. manufacturer to an overseas distributor or dealer is immaterial.

Vehicles assembled in Mexico

A vehicle identification number beginning with a "3" designates a vehicle that was manufactured in Mexico, but does not necessarily mean the vehicle was not manufactured in compliance with U.S. safety standards. To determine if the vehicle meets US safety standards, a TxDMV Regional Service Center may inspect and verify that a USDOT Safety Certification Label is affixed to the driver side door area. If the US certification label is not affixed, the vehicle must be imported under contract with a Registered Importer.

Only certain vehicles manufactured for the Mexican market have been determined by NHTSA to be eligible for importation into the United States. Therefore, if the USDOT Safety Certification Label is <u>not</u> affixed, the title transaction may not be accepted for processing unless it is supported by:

- A USDOT Form HS-7 or other documentation, which is acceptable in lieu of the USDOT Form HS-7; and
- A USDOT Bond Release Letter or a manufacturer's confirmation letter containing the USDOT stamp.

19.5 United States Customs Entry/Clearance Documentation

In addition to proof of compliance with applicable United States Department of Transportation (USDOT) safety requirements, an application for Texas title must also be supported by acceptable U. S. Customs entry/clearance documentation. Acceptable evidence of U. S. Customs entry/clearance may consist of:

1. A USDOT Form HS-7 validated with an original U. S. Customs stamp or an ABI electronic release which includes a date and time stamp. Certified copies by U. S. Customs are also acceptable.
2. Certification on U. S. Customs letterhead and signed by a customs agent.
3. A Bond Release Letter from USDOT that references the customs "Entry Number" and "Port Code".
4. Any of the following U.S. Customs forms:

Note: The department requires a USDOT Form HS-7, or other acceptable evidence of USDOT safety requirement compliance, if applicable, in addition to these forms.

- CF-368 – Collection Receipt for Informal Entry;
- CF-3299 – Declaration for Free Entry of Unaccompanied Articles;
- CF-3311 – Declaration for Free Entry of Returned American Property;
- CF-3461 – Entry/Immediate Delivery; (may include ABI electronic release which includes a date and time stamp)
- CF-3461ALT – Entry/Immediate Delivery;
- CF-6059B – Customs Declaration (Badge number instead of signature);
- CF-7501 – Entry Summary (does not require a Customs Inspector's signature); or
- CF-7523 – Entry and Manifest of Merchandise Free of Duty.

Note: Newer versions of these forms may be represented as CBP Form (Customs and Border Patrol) rather than CF (Customs Form).

19.6 Registration Purposes Only (RPO) for Foreign Vehicles

In some situations, an imported vehicle that cannot be sold or titled in Texas may be issued registration only. The owner of a non conforming vehicle may be required to obtain Texas registration for failure to display the international marker or if the foreign license plates expire or become lost or stolen. In these instances, the owner/applicant must apply for Registration Purposes Only and is not required to comply with USDOT standards. Only the following applicants, identified as indicated by Block 5, 7A, or 12 on the required USDOT Form HS-7, may qualify:

- Block 5 - A nonresident (visitor). Vehicle may be temporarily registered only for one year. Vehicle cannot be sold and must be exported within one year.

- Block 7A - An individual who imports a vehicle for show, test, experiment, or competition. Requires USDOT approval letter to be temporarily registered for one year.
- Block 12 - A member of the armed forces or a civilian on assignment for a foreign government in excess of one year. Also, see civilian individual who imports a vehicle for show, test, experiment, or competition.

Required Documentation

- *Application for Texas Title and/or Registration* (Form 130-U)
- Vehicle Inspection Report
- Proof of financial responsibility
- USDOT Form HS-7 or other acceptable Customs documentation

Note: When processing a Registration Purposes Only transaction on an imported vehicle, the "DOT Proof Required" remark must be selected on the Additional Information screen in the RTS Title Event to ensure that a registration renewal notice does not print.

19.7 Tax Collectors Hearing or Bonded Title for Foreign Vehicles

A Tax Collector's Hearing or Bonded Title option is not available when the applicant cannot furnish the USDOT bond release letter or proof of payment of the gas-guzzler tax, if applicable. However, county tax assessor-collectors are not prohibited from holding a hearing if the applicant can provide such documents but does not have proper evidence of ownership.

19.8 List of Manufacturers to Notify For Proof of Compliance

Table 19-1 is (Revision 1-07)

Table 19-1 List of Manufacturers to Notify For Proof of Compliance

Manufacturer	Contact Information
Acura Division American Honda 1919 Torrance Boulevard Torrance, CA 90501-2746 Consumer Affairs	USA: 1-800-999-1009 CANADA: 1-800-999-1009
Alfa Romeo/Fiat	USA: (810) 488-5600 CANADA: (810) 488-5600
Audi Audi Customer Relations 3800 Hamlin Road Auburn Hills, MI 48326	USA: 1-800-822-2834 CANADA: 1-800-822-2834
BMW of North America 1 BMW Plaza Montvale, NJ 07645	USA: (201) 573-2041 Environmental Engineering Dept.
BMW Headquarters 920 Champlain Court Whitby, Ontario Canada L1N 6K9	CANADA: (905) 683-1200

Manufacturer	Contact Information
Chrysler Corporation National Owner Relations Dept. 26001 Lawrence Avenue Center Line, MI 48015-1231	USA: 1-800-992-1997 Customer Center CANADA: (519) 973-2000
Ferrari North America	USA: (201) 816-2601 CANADA: (201) 816-8683
Fiat Auto R & D USA 39300 Country Club Drive Farmington Hill, MI 48331	USA: (248) 488-5600 FAX: (248) 488-5820 CANADA: (810) 488-5600
Ford-Ford Motor Company P. O. Box 43360 Detroit, MI 48242	USA: 1-800-392-3673 Lincoln: USA: 1-800-521-4140
Ford-Ford Motor Company Canada The Canadian Road P. O. Box 2000 Oakville, Ontario Canada L6J 5E4	CANADA: 1-800-565-3673
General Motors Environmental Activities Staff Room 12-204 3044 West Grand Boulevard Detroit, MI 48202	USA: (905) 644-5843 FAX: (905) 644-5436
General Motors of Canada Limited 1908 Colonel Sam Drive Oshawa, Ontario Canada L1H 8P7	CANADA: (905) 440-7689 FAX: (905) 440-7644
Harley Davidson Milwaukee, WI	USA: (414) 343-4056 CANADA: (414) 343-4056
Honda-American Honda Motor Co., Inc. 1919 Torrance Boulevard Torrance, CA 90501-2746	USA: 1-800-999-1009 CANADA: 1-800-999-1009 (Ask for Consumer Affairs)
Hyundai Motor America 10555 Talbert Avenue Fountain Valley, CA 92728	USA: 1-800-633-5151
Hyundai Auto Canada Markham, Ontario Canada L3R 6H2	CANADA: (905) 477-0202 (Ask for Customer Service)
Infiniti (Division of Nissan Motor Corp) P. O. Box 47038 Gardena, CA 90247-6838	USA: 1-800-662-6200 CANADA: (615) 725-1000
Isuzu	USA: 1-800-255-6727 CANADA: 1-800-255-6727
Jaguar-Jaguar Cars, Inc. 555 MacArthur Boulevard Mahwah, NJ 07430-2327	USA: (201) 818-8171
Jaguar Canada Inc. #8 Indell Lane Bramalea, Ontario L6T 4H3 Canada	CANADA: (905) 792-9400 Ext. 242
Kawasaki Motors Corp 9950 Jeronimo Road Irvine, CA 92718-2016	(949) 460-5688
Lamborghini 27 Jayson Avenue Great Neck, NY 11021	USA: (516) 829-8694 CANADA: (516) 829-8694 Michael J. Grossman
Land Rover North America 555 MacArthur Blvd Mahwah, NJ 07430	USA: 1-800-637-6837

Manufacturer	Contact Information
Land Rover Canada 8 Indell Lane Bramalea, ON L6T 4H3 Canada	CANADA: 1-800-346-3493
Lexus One Toyota Place Scarborough, Ontario Canada M1H 1H9	CANADA: (416) 438-6535
Mazda North American Operations Attn: International Imports/Exports 7755 Irvine Center Drive Irvine, CA 92618-2922	USA: (949) 727-1990 extension 1114 FAX: (949) 727-6703 E-MAIL: intl.imports.exports@mazdausa.com CANADA: (949) 727-1990
Mercedes-Benz of North America 1 Mercedes Drive Montvale, NJ 07645	USA: (201) 573-2632
Mercedes-Benz Canada 849 Eglinton Avenue East Toronto, Ontario Canada M4G 2L5	CANADA: 1-800-387-0100
Mitsubishi Motors of America 6400 Kalella Avenue Cypress, CA 90630	866-876-3018
Nissan Motor Corporation	615-725-1000
Porsche Cars of North America	1-800-767-7243
Saab	USA: (770) 279-6364 CANADA: (770) 279-6364
Subaru of America, Inc. Subaru Plaza P. O. Box 6000 Cherry Hill, NJ 08034-6000	USA: 1-800-782-2783 FAX: (609) 488-0485 CANADA: 1-800-782-2783
Suzuki-American Suzuki Motor Corp. 3251 East Imperial Highway Post Office Box 1100 Brea, CA 92622-1100	USA: (714) 996-7040 CANADA: (905) 889-2677 FAX: (714) 970-6005
Toyota-Toyota Motor Sales, Inc. 19001 South Western Avenue P. O. Box 2991 Torrance, CA 90509-2991	800-331-4331 FAX: (310) 468-7814
Volkswagen of America, Inc. Customer Relations Department 3800 Hamlin Road Auburn Hills, MI 48326	USA: 1-800-822-8987 CANADA: 1-800-822-8987
Volvo Cars of North America, Inc. Volvo Drive Rockleigh, NJ 07647	USA: (201) 768-7300 FAX: (201) 784-4525
Volvo Canada Ltd. 175 Gordon Baker Road North York, Ontario Canada M2H 2N7	CANADA: 1-800-663-8255 FAX: (416) 493-8754
Yamaha Motor Corporation 6555 Katella Avenue Cypress, CA 90630-5101 Mike Schmitt	USA: (714) 761-7710 CANADA: (714) 761-7710

Chapter 20

MILITARY

This chapter contains the following sections:

- ***20.1*** Entry of Motor Vehicles into the United States
- ***20.2*** Deployed Military Protections
- ***20.3*** Certain Military Personnel Exempt from Title Fees

20.1 Entry of Motor Vehicles into the United States

Members of the United States Armed Forces who bring motor vehicles into Texas are subject to the same requirements of non-military personnel as detailed in Chapter 18 and Chapter 19 with one exception. Members of the United States Armed Forces and their immediate family who import motor vehicles into the country from outside of the United States are not required to obtain a *Law Enforcement Identification Number Inspection* (Form VTR-68-A). VIN number verification in the form of a Vehicle Inspection Report is required unless eligible to self-certify the VIN on the *Vehicle Identification Number Certification* (Form VTR-270).

Military Registration

There are several types of United States Military title and registration documents issued to military personnel and individuals working for the military services in foreign countries. These documents are acceptable as ownership evidence for the purposes of obtaining a Texas title and/or registration.

In lieu of a military registration receipt, an active duty member of the U.S. Armed Forces that is, or was assigned to another nation, and was registered or issued a license under a status of forces agreement by that branch of the armed forces or the host name may provide a letter written on official letterhead by the member's unit commander attesting to the registration of the vehicle under a status of forces agreement. The active duty military member may use this letter to obtain a Texas title in their name, or may use the letter and a bill of sale to transfer the motor vehicle to a subsequent transferee. (For additional information regarding military registration receipts, refer to Chapter 10, Section 10.6 Registration and Military Registration Receipts.)

Foreign Titles

A title (or if no title, a registration receipt) issued by a foreign country is acceptable as evidence of ownership to support an application for Texas title. (The registration receipt issued by a foreign country is considered current evidence of ownership for six months after expiration). (Refer to Chapter 19, “Imported Vehicles” for evidence of ownership requirements for imported and foreign vehicles.)

Post Exchanges

When Post Exchanges (PXs) that are located on property controlled by a branch of the Armed Forces of the United States, sell new vehicles as part of their normal business, the PX acts as an authorized selling agent for a manufacturer and issues a "Manufacturer's Certificate of Ownership (MCO)" to the purchaser**.** Such MCOs may support an application for Texas title. The use of these certificates arises most frequently on motor vehicles imported from countries which require the registration receipt or booklet to be surrendered when the motor vehicle leaves the country, or in some cases, because the purchaser shipped the motor vehicle to the United States immediately upon purchase. In such cases, the MCO would be the only evidence of ownership the applicant would possess, and in others the registration receipt is the latest evidence, although the owner may still possess the MCO. The status of any lien should be requested and if a lien is shown on the MCO and not paid, the lien should be shown on the Texas title.

When a motor vehicle is owned and operated by a PX, the vehicle must be transferred on the *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97). The PX is considered an agency of the Federal Government and, therefore, must provide the purchaser of a PX owned and operated motor vehicle with a *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97). If the purchaser loses the *U.S. Government Certificate to Obtain Title to a Motor Vehicle* (Form 97), a Tax Assessor Collector Hearing, Bonded Title, or Court Order are the applicant's available options.

20.2 Deployed Military Protections

Military members deployed prior to September 1, 2009 have protections under the Service Members Civil Relief Act (SCRA) that could result in a filing under pre August 31, 2009 requirements. The SCRA states that a person holding a lien on the property or effects of a service member may not, during any period of military service of the service member and for 90 days thereafter, foreclose or enforce any lien on such property or effects without a court order granted before foreclosure or enforcement.

20.3 Certain Military Personnel Exempt from Title Fees

Texas Government Code, Section 437.217, exempts military personnel who are being deployed to serve in a hostile fire zone from payment of the $28/$33 title application fee. (Refer to Table 20-1.) The exemption from payment applies only to title application transactions in which the service member is an applicant and is subject to payment of a title application fee. To receive the exemption, the person must be a member of the:

- United States Armed Forces on active duty in a hostile fire zone (See Table 20-1).
- National Guard on federal active duty in a hostile fire zone

An applicant must present a copy of their military orders as proof of being deployed to serve in a hostile fire zone (refer to the Military Orders Example). Counties must review the military orders to determine the deployment location. The "Purpose" area on most military orders provides the purpose of the orders, such as "Mobilization for Operation Iraqi Freedom". In some cases, the "Report" to area only provides where the member is to go for deployment preparation and not necessarily where they are being deployed.

If the applicant is eligible, the county tax assessor-collector's office must write "Military/Exempt" to the right of the Application Fee in Box 37 of the *Application for Texas Title and/or Registration* (Form 130-U) to indicate the applicant was exempted from payment.

Hostile Fire Zones as Designated by the Secretary of Defense

Table 20-1 Hostile Fire Zones

Country/Area	
Afghanistan	Kyrgyzstan
Algeria	Lebanon
Arabian Peninsula	Liberia
Azerbaijan	Libya
Bahrain	Malaysia
Burundi	Montenegro
Chad	Oman
Colombia	Pakistan
Congo, Dem Rep of	Philippines
Cote D'Ivoire	Qatar
Cuba - Guantanamo Bay Detention Facilities only	Rwanda
Djibouti	Saudi Arabia
East Timor	Serbia *(includes province of Vojvodina)*
Egypt	Sierra Leone
Eritrea	Somalia
Ethiopia	Sudan
Greece - Athens area	Syria
Haiti	Tajikistan
Indonesia	Tunisia
Iran	Turkey
Iraq	Uganda
Israel	United Arab Emirates
Jordan	Uzbekistan
Kenya	Yemen
Kosovo	Yugoslavia
Kuwait	

Water Areas	
Persian Gulf	Gulf of Aden
Red Sea	Somalia Basin (1110N3-05115E2,
Gulf of Oman	0600N6-04830E5, 0500N5-05030E8,
Arabian Sea north of 10 degrees N lat.	1130N5-05334E5; 0500N5-05030E8,
& W of 68 degrees E long	0100N1-04700E1, 0300S3-04300E7,
	0100S1-04100E5, 0600N6-04830E5)
Mediterranean	26° 00' E longitude, extending north to 34° 35' N latitude, extending west to the East Coast of Tunisia

Source: Department of Defense Press Operations, August 2011

Military Orders Example

NATIONAL GUARD DEPLOYMENT ORDERS (FEDERAL ACTIVE DUTY)

TEXAS MILITARY FORCES

Army National Guard
Post Office Box 5218
Austin, Texas 78763-5218
ORDERS 220-286 08 August 2007
DOE, JOHN A. 000-00-0000 1LTE BRIGADE TEAM 1
(8BBM3-960) PO BOX 5218 AUSTIN TX 78763
You are ordered to active duty as a member of your Reserve Component Unit for the period indicated unless sooner released or unless extended. Proceed from your current location in sufficient time to report by the date specified.
You enter active duty upon reporting to unit home station.
REPORT TO HOME STATION: 20 September 2007, W8BB BDE TNG TM 3 TXARNG EL JF(W8BBM3),2200 W. 35TH ST., AUSTIN,TX 78703
REPORT TO MOB STATION: 23 September 2007, Ft Riley, KS

Purpose: OPERATION ENDURING FREEDOM OEF)

Mobilization Category Code: G
Additional instructions:

States type of Deployment
OEF= Afghanistan OIF = Iraq

Normally has this also

(a) **"Pursuant to Presidential Executive Order 13223, DTD 14 SEP 01,** you are relieved from your present reserve component status and are ordered to report for a period of active duty not to exceed 25 days for mobilization processing. Proceed in sufficient time to report by the date specified for active duty you fail to meet deployment medical standards (whether because of a temporary
(b) or permanent medical condition, then you may be released and returned to your prior Reserve status, and returned to active duty subject to a subsequent order to active duty upon resolution of disqualifying medical condition. If, upon reporting for active duty, you are found to satisfy medical deployment standards, then you are further ordered to active duty for a period not to exceed 400 days, such period
(c) to include the period (not to exceed 25 days) required for mobilization processing."
The mobilization period may be shortened or extended depending on mission requirements.
(d) You are ordered to active duty with the consent of the Governor. Transport of personal weapon is not authorized. Commercial air authorized for emergency returns. Unit members will travel as group. Excess baggage is authorized, not exceed four pieces.
(e) Travel will be paid for one time travel from home duty station to mob station and back and includes travel and per diem from home stations/ mobilization station or duty location/and return to home station as well as non-temp storage. Individual soldiers whose duty station is different from mob station will receive funding for one time travel and return from mob station to the duty station using the listed fund cites.
(f) Multiple trips such as soldiers who will visit installations across the country conducting inspections will be funded by the MACOMS' mission funding unless specific funding ERF, D has been provided by the army budget office for the mission.
ORDERS 220-286 HQ TX NG, OTAG, 08 August 2007

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Additional instructions (cont):
(g) Following statement must be included on each individual mobilization
    order: Family members may be eligible for TRICARE (military health care)
      benefits. For details call 1-888-DoD-CARE (1-888-363-2273) or go to web
      address www.tricare.osd.mil/reserve/ or email TRICARE help@amedd.army.mil
      Unit SM will mobilize with Organizational Clothing Issue and Equipment.
      Units will be processed on active duty at their assigned mob station.
  (h) Soldier will hand-carry(if available) complete MPRJ health and dental,
      training and clothing records, if moving as an individual. Bring copies
      of rental or mortgage agreement, marriage certificate, birth certificate,
      birth certificate of natural children, or documentation of dependency or
      child support. Bring copies of family care plan, wills, power of
      attorney, and any other documentation affecting the soldier's pay status.
  (i) The mobilization period may be shortened or extended depending on mission
      requirements.
      Weapons are authorized to be transported in performance of duty per
      Federal Regulations.
  (j) RC units and individuals: If you have questions regarding your employment
      and reemployment rights, call 1-800-336-4590 (National Committee for
      employer support of the Guard and Reserve) or check on line at WWW.ESGR.ORG
  (k) OPERATION ENDURING FREEDOM
  (l) The National Defense Authorization Act 2004 sec 703 authorizes early eli-
      gibility for health benefits. A member of the Reserve component who issued
      a delayed-effective-date active-duty order, or is covered by such an order,
      that is for a period of active duty of more than 30 days, in support of a
      contingency operations, as defined in 10 USC(a)(13)(B), shall be eligible
      along with member's dependents, for medical and dental care, on either the
  (m) date of issuance of such an order, or 60 days prior to mobilization,
      whichever is later.Army One Source is available to assist Soldiers and family members to
      solutions in dealing with life's issues and questions during deployments.
      Contact by phone at(US 1-800-464-8107 or outside the US at 1-484-530-5889)
  (n) Pertaining to Permanent Order No. 1A-07-131-072
  (o) HQ's 1st U.S. Army, 4705 N. WHEELER DRIVE, FOREST PARK, GA
  (p) Meals and lodging will be provided at no cost to the Soldier.  Claims for
      reimbursement require a statement of non-availability control number.
  (q) For unresolved pay issues, contact the ARNG Pay Ombudsman at toll-free
      1-877-ARNGPAY or by email at ARNG-MILPAY@ARNG-FSC.NGB.ARMY.MIL
FOR ARMY USE
Auth: TITLE 10 USC, SECTION 12302/HQDA MSG 092139ZMay07/DAMO-ODM/: ORD
   TYP/MOBORD/HQDA No. 1288-07
Acct clas:
 Off pay/alw: 24961.010.0000 01-1100 P1W1C00 11**/12** VFRE F3203 5570 S12120
 S12120(OEF)
 S12120(OEF)
 HOR: 000 BRAE MOSS        , SAN ANTONIO      TX78249
 DOR: 15-JUN-02
 PEBD: 17-MAY-91
 Security Clearance: S
 ORDERS  220-286  HQ TX NG, OTAG,  08 August 2007
 FOR THE ADJUTANT GENERAL:

                                          \\\\\\\\\\\\\\/////////////
                                          \\     HQ,  TXARNG     //
                                          \\      OFFICIAL       //
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Chapter 21

THEFT AND FRAUDULENT ACTIVITIES

This chapter contains the following sections:

- ***21.1*** Definitions
- ***21.2*** Record of Stolen or Concealed Motor Vehicle
- ***21.3*** Placement of Serial Number With Intent to Change Identity
- ***21.4*** Rightful Owner/Right of Possession
- ***21.5*** Justice of the Peace Orders
- ***21.6*** Sale or Offer Without Title Receipt or Title
- ***21.7*** Application for Title for Stolen or Concealed Vehicle
- ***21.8*** Alteration of Certificate or Receipt
- ***21.9*** False Name, False Information and Forgery
- ***21.10*** Penalties
- ***21.11*** Seizure of Stolen Vehicle or Vehicle With Altered Vehicle Identification Number

21.1 Definitions

- "Stolen" used in reference to the acquisition of property, includes property acquired by theft.
- "Conversion" is the selling of legally possessed property without being the legal owner or operating legally possessed property to one's own personal gain or use without permission from the legal owner.
- "Concealed motor vehicle" may be applied to a mortgaged vehicle, sold without the consent of the lienholder, or to a mortgaged vehicle when either the vehicle or the registered owner of the vehicle is removed to an unknown location so that necessary legal papers cannot be served or the vehicle seized.

21.2 Record of Stolen or Concealed Motor Vehicle

Transportation Code Section 501.135

(a) The department shall:

(1) make a record of each report to the department that a motor vehicle registered in this state has been stolen or concealed in violation of Section 32.33, Penal Code; and

(2) note the fact of the report in the department's records.

(b) A person who reports a motor vehicle as stolen or concealed under Subsection (a) shall notify the department promptly if the vehicle is recovered, and the department shall change its records accordingly.

Law Enforcement Procedures

Whenever the owner of a motor vehicle reports to a law enforcement agency that their vehicle has been stolen, converted, or concealed, the enforcement agency notifies the Texas Department of Public Safety (DPS) and a “Stolen” remark is placed on the vehicle record. If the department receives an application for Texas title involving such vehicle, the transaction returns to the county tax assessor-collector’s office, and all parties involved are advised that title will not be issued until the “Stolen” remark is removed by the applicable law enforcement agency.

Titles Marked Stolen

Generally, when a “Stolen” remark appears in a vehicle's title record, the department rejects an application for Texas title. However, in some cases, a title may be issued depending upon the circumstances and presentation of certain evidence. In these instances, the “Stolen” remark carries forward**.** A title may be issued for a vehicle with a “Stolen” remark on the vehicle record, under the following instances:

1. Stolen After the Date of Transfer

A Texas Title to a vehicle on which a “Stolen” remark appears in the vehicle record issues only when the vehicle was stolen after the date of transfer to the person from whom it was stolen. In this instance, a title issues in the name of the applicant, if the applicant is the person from whom the vehicle was stolen and such evidence is presented to the department. In addition to the title transaction, a copy of the theft report filed with law enforcement must accompany as supporting evidence. Occasionally, a transaction may be held by a dealer before being filed with the county tax assessor-collector’s office, and if the vehicle is stolen during this time, it does not affect the issuance of the original Texas title. When title is issued, the “Stolen” remark carries forward to the new title record.

2. Corrected Title

A corrected title to record a lien for a vehicle with a “Stolen” remark appears on the vehicle record only when the vehicle was stolen after the date it was encumbered. In this instance, the applicant must furnish to the department a copy of the theft report, filed with law enforcement. If the theft report was filed before the date of encumbrance, the title does not issue. If the theft report was filed after the date of encumbrance, title issues, and the “Stolen” remark carried forward to the new title record.

3. Certified Copy of Title

A certified copy of title for a vehicle on which a “Stolen” remark appears on the vehicle record issues when an affidavit from the recorded owner states that the title is lost, and outlines the reasons why certified copy is needed, such as the title being necessary for settlement of the claim by the insurance company.

- The department rejects applications for certified copy original titles and advises the applicant of the stolen remark and the necessity of its removal before title can be issued.
- If, the application is resubmitted accompanied by the above mentioned affidavit, the certified copy original title issues.

Total Loss Claims on Stolen Vehicles

When an insurance company pays a total loss claim on a stolen vehicle, the insurance company must apply for a negotiable title in the company name. This should be done immediately in order for the insurance company to be notified by law enforcement when the vehicle is recovered. Salvage ownership documents are not issued to insurance companies for stolen vehicles on which titles are obtained because of paying total loss claims.

Application for Title

Application for title in the name of the insurance company should be supported by proper evidence of ownership, such as negotiable title or manufacturer's certificate. Any recorded liens must be released or carried forward, and the owner's interest must be released by assignment of title or by attachment of a Power of Attorney (POA) or Proof of Loss Statement. (If a POA is attached, the assignment must be completed by the person authorized by the POA).

Application Fees

The insurance company must pay the title application fee. The registration fee, registration transfer fee, delinquent transfer penalty, and sales or use tax fee requirements are waived provided the stolen remark is on the vehicle record and the insurance company attaches a statement that the vehicle is a stolen vehicle on which the company has paid a total loss claim if the stolen vehicle was previously titled out of state. The Vehicle Inspection Report issued by a state safety inspection station may also be waived; however, a “VIN Certification Waived” remark must be added to the vehicle record. An odometer reading and brand is required, but may be carried forward from the surrendered title if the current reading and brand is unavailable.

Vehicle Record

The “Stolen” remark carries forward in the vehicle record.

Recovered Stolen Vehicles

If the stolen vehicle is recovered prior to filing an application for Texas title, the insurance company is not required to apply for title. Instead, the insurance company may reassign a regular title (negotiable Texas title, or out of state original or certified copy) to the new purchaser.

If the recovered vehicle is damaged to the extent that it is a salvage or nonrepairable vehicle, the insurance company must apply for the appropriate salvage ownership document (Refer to the `TxDMV Salvage/Nonrepairable Motor Vehicle Manual` for the applicable procedure).

21.3 Placement of Serial Number With Intent to Change Identity

Transportation Code Section 501.151

(a) A person commits an offense if the person stamps or places a serial number on a vehicle or part of a vehicle with the intent of changing the identity of the vehicle.

(b) It is an affirmative defense to prosecution of an offense under this section that the person acted with respect to a number assigned by:

(1) a vehicle manufacturer and the person was an employee of the manufacturer acting within the course and scope of employment; or

(2) the department, and the person was:

(A) discharging official duties as an agent of the department; or

(B) complying with department rule as an applicant for a serial number assigned by the department.

(c) An offense under this section is a felony of the third degree.

21.4 Rightful Owner/Right of Possession

With reference to the term "rightful owner" as used in this chapter, the applicant is recognized as the rightful owner; and no further determination is needed if the identification number recorded on the evidence of ownership ties in with the true identification number affixed to the vehicle or component part for which the assigned number is applied. This determination, as a general rule, is made by the department through a comparison of the evidence of ownership submitted by the applicant against the assigned number application and the inspection report executed by a law enforcement officer as described in Inspection under Chapter 13, Section 13.6 Reassigned Vehicle Identification Number (VIN).

The department cannot determine ownership if the identification number shown on the evidence of ownership cannot be tied in with the true identification number on the vehicle or component part. The owner must obtain a court order from a court of competent jurisdiction to prove ownership. They must attach the court order to the application to receive an assigned number. A Justice of the Peace court order for title and ownership of a vehicle should be accepted in the same way that all county and district court orders are accepted.

21.5 Justice of the Peace Orders

See Transportation Code Section 501.0521

When a Justice of the Peace (JP) or Municipal Judge holds an examining trial to determine disposition of property alleged as stolen, the JP or Municipal Judge may issue an order to release the property to the person determined to have rightful possession. A Justice of the Peace or Municipal Judge cannot award vehicle ownership; therefore, a Justice of the Peace or Municipal Judge Order is not acceptable to support application for Texas title. However a JP or Municipal Judge order is acceptable if the disposition of property is due to Chapter 47, Code of Criminal Procedure (Stolen Vehicle) or Section 27.031(a)(3), Government Code. The vehicle owner may pursue a county tax assessor-collector hearing, or obtain a district or county court order when the vehicle does not fall into the purview of Chapter 47, Code of Criminal Procedure.

A JP or Municipal Judge Order issued in accordance with Article 47.01a(b), Code of Criminal Procedures which orders a vehicle delivered to a government agency is acceptable for that agency to obtain a certificate of title and Exempt license plates.

21.6 Sale or Offer Without Title Receipt or Title

Refer to Sale or Offer without Title Receipt or Title under Chapter 9, Section 9.2 Sale of Vehicle; Transfer of Title.

21.7 Application for Title for Stolen or Concealed Vehicle

Transportation Code Section 501.153

A person commits an offense if the person applies for a title for a motor vehicle that the person knows is stolen or concealed in violation of Section 32.33, Penal Code.

When an application for Texas title is applied for by an insurance company as a result of the payment of a theft by conversion claim, the title transaction must be accompanied by a *Repossessed Motor Vehicle Affidavit* (Form VTR-264) completed by the lienholder and a notarized statement from the insurance company verifying that a theft by conversion total loss claim has been paid.

21.8 Alteration of Certificate or Receipt

Refer to Chapter 6, Section 6.9 Alteration of Certificate or Receipt.

21.9 False Name, False Information and Forgery

Transportation Code Section 501.155

(a) A person commits an offense if the person knowingly provides false or incorrect information or without legal authority signs the name of another person on:

(1) an application for a title;

(2) an application for a certified copy of an original title;

(3) an assignment of title for a motor vehicle;

(4) a discharge of a lien on a title for a motor vehicle; or

(5) any other document required by the department or necessary to the transfer of ownership of a motor vehicle.

(b) An offense under this section is a felony of the third degree.

21.10 Penalties

Transportation Code Section 501.157

(a) Unless otherwise provided by this chapter, an offense under this chapter is a misdemeanor punishable by a fine of not less than $1 or more than $100 for the first offense. If a person is subsequently convicted of the same offense, at the jury's discretion, a person may be fined not less than $2 or more than $200.

(b) A person commits an offense if the person violates Subchapter E or a rule adopted under that subchapter. An offense under this subsection is a Class A misdemeanor.

21.11 Seizure of Stolen Vehicle or Vehicle With Altered Vehicle Identification Number

Transportation Code Section 501.158

(a) A peace officer may seize a vehicle or part of a vehicle without a warrant if the officer has probable cause to believe that the vehicle or part:

(1) is stolen; or

(2) has had the vehicle identification number removed, altered, or obliterated.

(b) A vehicle or part seized under this section may be treated as stolen property for purposes of custody and disposition of the vehicle or part.

The department issues an assigned component part number to any person who has been determined to be the rightful owner of any motor vehicle component part - motor, transmission, frame, or body - if the manufacturer's identification number has been removed, changed, or obliterated. A distinctive type number is assigned to each component part, and these numbers are to be die stamped on the components in a location prescribed by the department. (See Chapter 13, "Vehicle Identification Numbers" for more information regarding assigned/reassigned numbers).

Chapter 22

ABANDONED VEHICLES

This chapter contains the following sections:

- ***22.1*** Definitions
- ***22.2*** Taking Custody of Abandoned Motor Vehicle
- ***22.3*** Auction or Use of Abandoned Items; Waiver of Rights
- ***22.4*** Garagekeeper's Duties: Abandoned Motor Vehicles
- ***22.5*** Disposal of Vehicle Abandoned in Storage Facility
- ***22.6*** Disposal to Demolisher
- ***22.7*** Vehicles Abandoned in Coastal Waters
- ***22.8*** Public Nuisance Vehicles
- ***22.9*** Miscellaneous: Statutes, Uses, Offense, Etc.

22.1 Definitions

Transportation Code Section 683.001

In this chapter:

(1) "Department" means the Texas Department of Motor Vehicles.

(2) "Garagekeeper" means an owner or operator of a storage facility.

(3) "Law enforcement agency" means:

(A) the Department of Public Safety;

(B) the police department of a municipality;

(C) the police department of an institution of higher education; or

(D) a sheriff or a constable.

(4) "Motor vehicle" means a vehicle that is subject to registration under Chapter 501.

(5) "Motor vehicle demolisher" means a person in the business of:

(A) converting motor vehicles into processed scrap or scrap metal; or

(B) wrecking or dismantling motor vehicles.

(6) "Outboard motor" means an outboard motor subject to registration under Chapter 31, Parks and Wildlife Code.

(7) "Storage facility" includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.

(8) "Watercraft" means a vessel subject to registration under Chapter 31, Parks and Wildlife Code.

(9) "Abandoned nuisance vehicle" means a motor vehicle that is at least 10 years old and is of a condition only to be junked, crushed, or dismantled.

(10) "Vehicle storage facility" means a vehicle storage facility, as defined by Section 2303.002, Occupations Code, which is operated by a person who holds a license issued under Chapter 2303 of that code to operate that vehicle storage facility.

(11) "Aircraft" has the meaning assigned by Section 24.001.

Abandoned Motor Vehicle

Transportation Code Section 683.002

(a) For the purposes of this chapter, a motor vehicle is abandoned if the motor vehicle:

(1) is inoperable, is more than five years old, and has been left unattended on public property for more than 48 hours;

(2) has remained illegally on public property for more than 48 hours;

(3) has remained on private property without the consent of the owner or person in charge of the property for more than 48 hours;

(4) has been left unattended on the right-of-way of a designated county, state, or federal highway for more than 48 hours; or

(5) has been left unattended for more than 24 hours on the right-of-way of a turnpike project constructed and maintained by the Texas Turnpike Authority division of the Texas Department of Transportation or a controlled access highway; or

(6) is considered an abandoned motor vehicle under Section 644.153(r).

(b) In this section, "controlled access highway" has the meaning assigned by Section 541.302.

Conflict of Laws; Effect on Other Laws defines an abandoned motor vehicle.

Note: A "controlled access highway" means a highway or roadway to which persons, including owners or occupants, of abutting real property have no right of access; and access by persons to enter or exit the highway or roadway is restricted under law except at a place and in the manner determined by the authority that has jurisdiction over the highway or roadway.

Junked Vehicle

Transportation Code Section 683.071 (Two Versions HB 787 82nd Legislature)

(a) In this subchapter, "Junked Vehicle" means a vehicle that:

(1) is self-propelled and:

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) is inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

(b) For purposes of this subchapter, "junked vehicle" includes a motor vehicle, aircraft, or watercraft. This subchapter applies only to:

(1) a motor vehicle that does not have lawfully attached to it:

(A) an unexpired license plate; and

(B) a valid motor vehicle inspection certificate;

(2) an aircraft that does not have lawfully printed on the aircraft an unexpired federal aircraft identification number registered under Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; or

(3) a watercraft that:

(A) does not have lawfully on board an unexpired certificate of number; and

(B) is not a watercraft described by Section 31.055, Parks and Wildlife Code.

Transportation Code Section 683.071 (Two Versions HB 1376 82nd Legislature)

In this subchapter, "junked vehicle" means a vehicle that is self-propelled and:

(1) displays an expired license plate or invalid motor vehicle inspection certificate or does not display a license plate or motor vehicle inspection certificate; and

(2) is:

(A) wrecked, dismantled or partially dismantled, or discarded; or

(B) is inoperable and has remained inoperable for more than:

(i) 72 consecutive hours, if the vehicle is on public property; or

(ii) 30 consecutive days, if the vehicle is on private property.

22.2 Taking Custody of Abandoned Motor Vehicle

Transportation Code Section 683.011

(a) A law enforcement agency may take into custody an abandoned motor vehicle, aircraft, watercraft, or outboard motor found on public or private property.

(b) A law enforcement agency may use agency personnel, equipment, and facilities or contract for other personnel, equipment, and facilities to remove, preserve, store, send notice regarding, and dispose of an abandoned motor vehicle, aircraft, watercraft, or outboard motor taken into custody by the agency under this subchapter.

Transportation Code Section 683.012

(a) A law enforcement agency shall send notice of abandonment to:

(1) the last known registered owner of each motor vehicle, aircraft, watercraft, or outboard motor taken into custody by the agency or for which a report is received under Section 683.031; and

(2) each lienholder recorded:

(A) under Chapter 501 for the motor vehicle;

(B) with the Federal Aviation Administration or the secretary of state for the aircraft; or

(C) under Chapter 31, Parks and Wildlife Code, for the watercraft or outboard motor.

(a) A law enforcement agency that takes into custody an aircraft shall contact the Federal Aviation Administration in the manner described by Section 22.901 to attempt to identify the owner of the aircraft before sending the notice required by Subsection (a).

(b) The notice under Subsection (a) must:

(1) be sent by certified mail not later than the 10th day after the date the agency:

(A) takes the abandoned motor vehicle, aircraft, watercraft, or outboard motor into custody; or

(B) receives the report under Section 683.031;

(2) specify the year, make, model, and identification number of the item;

(3) give the location of the facility where the item is being held;

(4) inform the owner and lienholder of the right to claim the item not later than the 20th day after the date of the notice on payment of:

(A) towing, preservation, and storage charges; or

(B) garagekeeper's charges and fees under Section 683.032 and, if the vehicle is a commercial motor vehicle impounded under Section 644.153(q), the delinquent administrative penalty and costs; and

(5) state that failure of the owner or lienholder to claim the item during the period specified by Subdivision (4) is:

(A) a waiver by that person of all right, title, and interest in the item; and

(B) consent to the sale of the item at a public auction.

(c) Notice by publication in one newspaper of general circulation in the area where the motor vehicle, aircraft, watercraft, or outboard motor was abandoned is sufficient notice under this section if:

(1) the identity of the last registered owner cannot be determined;

(2) the registration has no address for the owner; or

(3) the determination with reasonable certainty of the identity and address of all lienholders is impossible.

(d) Notice by publication:

(1) must be published in the same period that is required by Subsection (b) for notice by certified mail and contain all of the information required by that subsection; and

(2) may contain a list of more than one abandoned motor vehicle, aircraft, watercraft, or outboard motor.

(e) A law enforcement agency is not required to send a notice, as otherwise required by Subsection (a), if the agency has received notice from a vehicle storage facility that an application has or will be submitted to the department for the disposal of the vehicle.

(f) In addition to the notice required under Subsection (a), if a law enforcement agency takes an abandoned motor vehicle into custody, the agency shall notify a person that files a theft report or similar report prepared by any law enforcement agency for the vehicle of that fact. The notice must be sent by regular mail on the next business day after the agency takes the vehicle into custody. The law enforcement agency shall also provide the name and address of the person that filed the theft report or similar report to the vehicle storage facility or governmental vehicle storage facility that is storing the vehicle.

When an abandoned vehicle is taken into Custody by a Law Enforcement Agency (Transportation Code Section 683.012) the following applies:

- A law enforcement agency means the Texas Department of Public Safety, the police department of any municipality, the police department of an institution of higher education, or the sheriff or a constable of any county within this state.
- A garagekeeper means an owner or operator of a storage facility. A storage facility includes a garage, parking lot, or establishment for the servicing, repairing, or parking of motor vehicles.

Towed Vehicles

A law enforcement agency or operator of a storage facility who receives a vehicle that has been towed to the facility at the request of law enforcement must send a written notice to the registered owner and each lienholder within 10 days.

The agency or operator must send the notice by certified mail, return receipt requested, and it must contain:

- the vehicle description (year, make, model and vehicle identification number);
- the type and amount of all charges due when the vehicle is claimed;
- the location of the facility where the vehicle is held (full name, street address, and telephone number of the facility);
- the owner and lienholder's right to claim the vehicle within 20 days upon payment of charges due; and
- the consequences for failure to reclaim the vehicle.

Garage Charges and Responsibilities

Transportation Code Section 683.013

A law enforcement agency or the agent of a law enforcement agency that takes into custody an abandoned motor vehicle, aircraft, watercraft, or outboard motor is entitled to reasonable storage fee:

(1) for not more than 10 days, beginning on the day the item is taken into custody and ending on the day the required notice is mailed; and

(2) beginning on the day after the day the agency mails notice and ending on the day accrued charges are paid and the vehicle, aircraft, watercraft, or outboard motor is removed.

Until the notice is mailed, a law enforcement agency or garagekeeper may not charge more than 10 days storage, in addition to towing, notification, and preservation fees incurred on the abandoned vehicle. (Transportation Code Section 683.013)

If there is no record of title, notice may be made by publication in a local newspaper. The newspaper publication:

- must appear in the same time period that is required for notice by certified mail;
- must contain all of the same information as required for the certified mail notice; and
- may contain a list of more than one abandoned motor vehicle.
- A law enforcement agency has custody if the agency:
  - has physical custody of the vehicle;
  - has given notice to the storage facility that the agency intends to dispose of the vehicle; or
  - has received a report of the abandonment from the garagekeeper.

The garagekeeper is required to report the abandonment of the motor vehicle and pay a $10.00 fee to the law enforcement agency in the jurisdiction where the vehicle is located or the Department of Public Safety within 7 days of the vehicle being deemed abandoned (Transportation Code Section 683.031, Transportation Code Section 683.032).

A garagekeeper who fails to report an abandoned vehicle to a law enforcement agency within 7 days after the date it becomes abandoned may not claim reimbursement for storage of the vehicle.

Within 10 days of receiving an abandoned motor vehicle report and the applicable fee from a garagekeeper, the law enforcement agency or the Department of Public Safety is required to notify the registered owner and lienholder of record that the vehicle has been taken into custody.

22.3 Auction or Use of Abandoned Items; Waiver of Rights

Transportation Code Section 683.014

(a) If an abandoned motor vehicle, aircraft, watercraft, or outboard motor is not claimed under Section 683.012:

(1) the owner or lienholder:

(A) waives all rights and interests in the item; and

(B) consents to the sale of the item by public auction or the transfer of the item, if a watercraft, as provided by Subsection (d); and

(2) the law enforcement agency may sell the item at a public auction, transfer the item, if a watercraft, as provided by Subsection (d), or use the item as provided by Section 683.016.

(b) Proper notice of the auction shall be given. A garagekeeper who has a garagekeeper's lien shall be notified of the time and place of the auction.

(c) The purchaser of a motor vehicle, aircraft, watercraft, or outboard motor:

(1) takes title free and clear of all liens and claims of ownership;

(2) shall receive a sales receipt from the law enforcement agency; and

(3) is entitled to register the motor vehicle, aircraft, watercraft, or outboard motor with and receive a certificate of title from the appropriate authority.

(d) On consent of the Parks and Wildlife Department, the law enforcement agency may transfer a watercraft that is not claimed under Section 683.012 to the Parks and Wildlife Department for use as part of an artificial reef under Chapter 89, Parks and Wildlife Code, or for other use by the Parks and Wildlife Department permitted under the Parks and Wildlife Code. On transfer of the watercraft, the Parks and Wildlife Department:

(1) takes title free and clear of all liens and claims of ownership; and

(2) is entitled to register the watercraft and receive a certificate of title.

Auction Proceeds

Transportation Code Section 683.015

(a) A law enforcement agency is entitled to reimbursement from the proceeds of the sale of an abandoned motor vehicle, aircraft, watercraft, or outboard motor for:

(1) the cost of the auction;

(2) towing, preservation, and storage fees resulting from the taking into custody; and

(3) the cost of notice or publication as required by Section 683.012.

(b) After deducting the reimbursement allowed under Subsection (a), the proceeds of the sale shall be held for 90 days for the owner or lienholder of the vehicle.

(c) After the period provided by Subsection (b), proceeds unclaimed by the owner or lienholder shall be deposited in an account that may be used for the payment of auction, towing, preservation, storage, and notice and publication fees resulting from taking other vehicles, aircraft, watercraft, or outboard motors into custody if the proceeds from the sale of the other items are insufficient to meet those fees.

(d) A municipality or county may transfer funds in excess of $1,000 from the account to the municipality's or county's general revenue account to be used by the law enforcement agency or, if the vehicle, aircraft, watercraft, or outboard motor was located in a county of less than 150,000, by the attorney representing the state.

(e) If the vehicle is a commercial motor vehicle impounded under Section 644.153(q), the Department of Public Safety is entitled from the proceeds of the sale to an amount equal to the amount of the delinquent administrative penalty and costs.

(f) A law enforcement agency may use funds transferred under Subsection (d) to compensate property owners whose property was damaged as a result of a pursuit involving the law enforcement agency, regardless of whether the agency would be liable under Chapter 101, Civil Practice and Remedies Code.

(g) Before a law enforcement agency may compensate a property owner under Subsection (f) using funds transferred to a county under Subsection (d), the sheriff or constable must submit the proposed payment for compensation for consideration, and the commissioners court shall consider the proposed payment for compensation, at the next regularly scheduled meeting of the commissioners court.

(h) In this section, "attorney representing the state" means a district attorney, criminal district attorney, or county attorney performing the duties of a district attorney.

If the vehicle is not reclaimed and the charges paid within 20 days, it may be sold at a public auction by the law enforcement agency by use of the department's *Auction Sales Receipt* (Form VTR-71-1). This form, when properly completed by a law enforcement agency, is acceptable as valid evidence of ownership in place of the certificate of title.

Note: The law enforcement agency must indicate any value limiting remarks from the vehicle record on the form. Examples include "salvage," "rebuilt salvage," or "reconditioned," etc.

The purchaser at public auction takes title to the motor vehicle free and clear of all liens and claims of ownership (a release of any recorded lien is not required). However, if the vehicle is purchased by an out of state/country resident, the *Auction Sales Receipt* (Form VTR-71-1)**,** may not be acceptable in their state/country, and as a non-Texas resident, they may not apply for title in Texas.

The purchaser shown on the *Auction Sales Receipt* (Form VTR-71-1) must title in their name before sale to a subsequent purchaser, except:

- If the purchaser is a Texas licensed dealer, the dealer may transfer the vehicle by completing a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A), or
- If the purchaser is a demolisher or a motor vehicle salvage dealer, the *Auction Sales Receipt* (Form VTR-71-1) must be listed on the demolisher's inventory sheet, (*Surrendered Ownership Evidence for Vehicles Permanently Destroyed* (Form VTR-340-M)) and surrendered to the department in place of the certificate of title. (Transportation Code Section 501.1003, Transportation Code Section 683.056, Transportation Code Section 683.057, and Occupations Code section 2302.257)

Application for Title

The purchaser must file an *Application for Texas Title and/or Registration* (Form 130-U) supported by the *Auction Sales Receipt* (Form VTR-71-1), with the local county tax assessor-collector's office where the purchase took place, the purchaser resides, or where the vehicle is encumbered.

1. Evidence of notification to the owner and lienholder is not required to support an application for Texas title when an *Auction Sales Receipt* (Form VTR-71-1) is surrendered as the evidence of ownership. An application for Texas title supported by this form must also include:

- verification of the latest Texas Inquiry or out of state title and registration record found; or
- if no record of title and registration is found, the original or copy of the newspaper publication providing the year, model, make, and vehicle identification number of the vehicle being titled.

2. An odometer disclosure statement is required unless exempted (Refer to Chapter 15, Section 15.2 Vehicles Exempt from Disclosure)
3. A Vehicle Inspection Report is required if the vehicle was last registered and/or titled out of state.
4. A weight certificate is required to support an application for the title covering a commercial vehicle, if applicable, as explained in Chapter 10, "Evidence of Ownership".
5. A copy of current proof of liability insurance in the applicant's name is also required, if registering.

If the vehicle is not taken into custody by the law enforcement agency within 31 days after the notification is mailed, the garagekeeper may dispose of the vehicle.

22.4 Garagekeeper's Duties: Abandoned Motor Vehicles

Transportation Code Section 683.031

(a) A motor vehicle is abandoned if the vehicle is left in a storage facility operated for commercial purposes after the 10th day after the date on which:

(1) the garagekeeper gives notice by registered or certified mail, return receipt requested, to the last known registered owner of the vehicle and to each lienholder of record of the vehicle under Chapter 501 to remove the vehicle;

(2) a contract for the vehicle to remain on the premises of the facility expires; or

(3) the vehicle was left in the facility, if the vehicle was left by a person other than the registered owner or a person authorized to have possession of the vehicle under a contract of use, service, storage, or repair.

(b) If notice sent under Subsection (a) (1) is returned unclaimed by the post office, substituted notice is sufficient if published in one newspaper of general circulation in the area where the vehicle was left.

(c) The garagekeeper shall report the abandonment of the motor vehicle to a law enforcement agency with jurisdiction where the vehicle is located and shall pay a $10 fee to be used by the law enforcement agency for the cost of the notice required by this subchapter or other cost incurred in disposing of the vehicle.

(d) The garagekeeper shall retain custody of an abandoned motor vehicle until the law enforcement agency takes the vehicle into custody under Section 683.034.

The provisions of Transportation Code Section 683.031 deems "abandoned" as those motor vehicles left in a storage facility operated for commercial purposes (garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles) after the tenth day on which:

The garagekeeper gives notice by registered or certified mail, return receipt requested, to the owner and any lienholder of record to pick up the vehicle. (Until the notice is mailed, a garagekeeper may not charge more than five days storage.)

A contract for the vehicle to remain at the facility has expired; or the vehicle was left by a person other than the registered owner or a person authorized to have possession of the vehicle under a contract of use, service, storage, or repair.

1. The garagekeeper is required to report the abandonment of the motor vehicle and pay a $10.00 fee to the law enforcement agency with jurisdiction where the vehicle is located within 7 days of the vehicle being deemed abandoned (Transportation Code Section 683.031).
2. A garagekeeper who fails to report an abandoned vehicle to a law enforcement agency within 7 days after the date it becomes abandoned may not claim reimbursement for storage of the vehicle.
3. The law enforcement agency must notify the last known registered owner and each lienholder of record, by certified mail that the vehicle has been taken into custody.
4. Custody of the vehicle must remain with the garagekeeper until taken into custody by the law enforcement agency and sold by the law enforcement agency at public auction in the same manner and under the same conditions as explained in Garage Charges and Responsibilities, in this chapter.
5. The garagekeeper applies the proceeds of the sale to charges for servicing, storage, or repair. The law enforcement agency receives two percent of the sale or all of the proceeds if the gross proceeds are less than $10.00, for the expense incurred in handling and auctioning the vehicle.
6. If the vehicle is not taken into custody by the law enforcement agency within 31 days after the notification is mailed, the garagekeeper may dispose of the vehicle under:
   - Chapter 70, Property Code, by using *Storage Lien Foreclosure* (Form VTR-265-S) (Refer to Chapter 23, "Foreclosure of Miscellaneous Liens" for disposal procedures), or
   - Chapter 2303, Occupations Code (only if the storage facility is a licensed storage facility and the possession of the vehicle is non-consensual), by using *Licensed Vehicle Storage Facility Lien Foreclosure* (Form VTR-265-VSF). (Refer to Chapter 23, "Foreclosure of Miscellaneous Liens" for disposal procedures.)

Garagekeeper's Fees and Charges

Transportation Code Section 683.032

(a) A garagekeeper who acquires custody of a motor vehicle for a purpose other than repair is entitled to towing, preservation, and notification charges and reasonable storage fees, in addition to storage fees earned under a contract, for each day:

(1) not to exceed five days, until the notice described by Section 683.031(a) is mailed; and

(2) after notice is mailed, until the vehicle is removed and all accrued charges are paid.

(b) A garagekeeper who fails to report an abandoned motor vehicle to a law enforcement agency within seven days after the date it is abandoned may not claim reimbursement for storage of the vehicle.

(c) This subchapter does not impair any lien that a garagekeeper has on a vehicle except for the termination or limitation of claim for storage for the failure to report the vehicle to the law enforcement agency.

Unauthorized Storage Fee; Offense

Transportation Code Section 683.033

(a) A person commits an offense if the person charges a storage fee for a period for which the fee is not authorized by Section 683.032.

(b) An offense under this subsection is a misdemeanor punishable by a fine of not less than $200 or more than $1,000.

22.5 Disposal of Vehicle Abandoned in Storage Facility

Transportation Code Section 683.034

(a) A law enforcement agency shall take into custody an abandoned vehicle left in a storage facility that has not been claimed in the period provided by the notice under Section 683.012. In this section, a law enforcement agency has custody if the agency:

(1) has physical custody of the vehicle;

(2) has given notice to the storage facility that the law enforcement agency intends to dispose of the vehicle under this section; or

(3) has received a report under Section 683.031(c) and the garagekeeper has met all of the requirements of that subsection.

(b) The law enforcement agency may use the vehicle as authorized by Section 683.016 or sell the vehicle at auction as provided by Section 683.014. If a vehicle is sold, the proceeds of the sale shall first be applied to a garagekeeper's charges for providing notice regarding the vehicle and for service, towing, impoundment, storage, and repair of the vehicle.

(c) As compensation for expenses incurred in taking the vehicle into custody and selling it, the law enforcement agency shall retain:

(1) two percent of the gross proceeds of the sale of the vehicle; or

(2) all the proceeds if the gross proceeds of the sale are less than $10.

(d) Surplus proceeds shall be distributed as provided by Section 683.015.

(e) If the law enforcement agency does not take the vehicle into custody before the 31st day after the date the vehicle was reported abandoned under Section 683.031:

(1) the law enforcement agency may not take the vehicle into custody; and

(2) the storage facility may dispose of the vehicle under:

(A) Chapter 70, Property Code, except that notice under Section 683.012 satisfies the notice requirements of that chapter; or

(B) Chapter 2303, Occupations Code, if the storage facility is a vehicle storage facility.

22.6 Disposal to Demolisher

Transportation Code Section 683.051

A person may apply to the department for authority:

(1) to sell, give away, or dispose of a motor vehicle to a motor vehicle demolisher if:

(A) the person owns the motor vehicle and the certificate of title to the vehicle is lost, destroyed, or faulty; or

(B) the vehicle is an abandoned motor vehicle and is:

(i) in the possession of the person; or

(ii) located on property owned by the person; or

(2) to dispose of a motor vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if:

(A) the abandoned motor vehicle:

(i) is in the possession of the person;

(ii) is more than eight years old;

(iii) either has no motor or is otherwise totally inoperable or does not comply with all applicable air pollution emissions control related requirements included in: (aa) the vehicle inspection requirements under Chapter 548, as evidenced by a current inspection certificate affixed to the vehicle windshield; or (bb) the vehicle emissions inspection and maintenance requirements contained in the Public Safety Commission's motor vehicle emissions inspection and maintenance program under Subchapter F, Chapter 548, or the state's air quality state implementation plan; and

(iv) was authorized to be towed by a law enforcement agency; and

(B) the law enforcement agency approves the application.

Forms: *Application for Authority to Dispose of a Motor Vehicle to a Demolisher* (Form VTR-71-2) and *Application for Authority to Dispose of a Motor Vehicle to a Demolisher* (Form VTR-71-2X) (Law enforcement)

Fee: $2

Transportation Code Section 683.051 provides a procedure where any person (including a firm, corporation or unit of government) may apply to the department for authority to sell, give away, or dispose of a motor vehicle to a demolisher for demolition, wrecking, or dismantling only, if:

- the person owns the motor vehicle and the certificate of title is lost, destroyed, or faulty; or
- the vehicle is an abandoned motor vehicle in the possession of the person or located on property owned by the person.

Note: ***Application for Authority to Dispose of a Motor Vehicle to a Demolisher*** **(Form VTR-71-2) is used to dispose of these vehicles.**

Additional Disposal Procedure

An additional procedure is provided to dispose of a motor vehicle to a demolisher for demolition, wrecking, or dismantling if:

- the abandoned motor vehicle is in the possession of the person;
- it is more than eight years old;
- it has no motor or is totally inoperable or does not comply with all applicable air pollution emissions control related requirements or the vehicle emissions inspection and maintenance requirements or the state's air quality state implementation plan;
- it was authorized to be towed by a law enforcement agency; and the law enforcement agency approves the application.

Note: ***Application for Authority to Dispose of a Motor Vehicle to a Demolisher*** **(Form VTR-71-2X) is used to dispose of these vehicles.**

Nonrepairable Vehicle Title

Upon approval of the application, the department issues a Nonrepairable Vehicle Title to the applicant as authorization to dispose of a motor vehicle to a demolisher for demolition, wrecking, or dismantling only.

Note: Beginning October 1, 2007, VTR began issuing a Nonrepairable Vehicle Title instead of a Certificate of Authority to Dispose of a Motor Vehicle to a Demolisher for Demolition, Wrecking or Dismantling Only (COA) (Form VTR 71-3).

A $2.00 fee must accompany the application, except where a unit of government is applying.

A vehicle disposed of in this manner may not be reconstructed, made operable or retitled and the component part of the vehicle that reflects the vehicle identification number may not be used in the construction of another vehicle, such as an assembled vehicle, rebuilt vehicle, body change, etc.

Also, under the provisions of this section, any person, firm, corporation, or unit of government in possession of an abandoned vehicle which was authorized to be towed in by a police department and which is over eight years old and has no engine or is otherwise totally inoperable, may, upon affidavit of such facts and approval of the police department, apply to the department for a Nonrepairable Vehicle Title to dispose of such vehicle to a demolisher for demolition, wrecking or dismantling only. If the application is approved, a Nonrepairable Vehicle Title branded "Certificate of Authority" will be issued.

Contents of Application; Application Fee

Transportation Code Section 683.052

(a) An application under Section 683.051 must:

(1) contain the name and address of the applicant;

(2) state the year, make, model, and vehicle identification number of the vehicle, if ascertainable, and any other identifying feature of the vehicle; and

(3) include:

(A) a concise statement of facts about the abandonment;

(B) a statement that the certificate of title is lost or destroyed; or

(C) a statement of the reasons for the defect in the owner's certificate of title for the vehicle.

(b) An application under Section 683.051(2) must also include an affidavit containing a statement of the facts that make that subdivision applicable.

(c) The applicant shall make an affidavit stating that;

(1) the facts stated in the application are true; and.

(2) no material fact has been withheld.

(d) the application must be accompanied by a fee of $2, unless the application is made by a unit of government. Fees collected under this subsection shall be deposited to the credit of the Texas Department of Motor Vehicles fund.

Department to Provide Notice

Transportation Code Section 683.053

Except as provided by Section 683.054(b), the department shall give notice as provided by Section 683.012 if it determines that an application under Section 683.051 is:

(1) executed in proper form; and

(2) shows that:

(A) the abandoned motor vehicle is in the possession of the applicant or has been abandoned on the applicant's property; or

(B) the vehicle is not an abandoned motor vehicle and the applicant appears to be the owner of the vehicle.

Authority to Dispose of Vehicle

Transportation Code Section 683.054

(a) The department shall issue the applicant a certificate of authority to dispose of the vehicle to a motor vehicle demolisher for demolition, wrecking, or dismantling if notice under Section 683.053 was given and the vehicle was not claimed as provided by the notice.

(b) Without giving the notice required by Section 683.053, the department may issue to an applicant under Section 683.051(2) a certificate of authority to dispose of the motor vehicle to a demolisher if the vehicle meets the requirements of Sections 683.051 (2)(A)(ii) and (iii).

(c) A motor vehicle demolisher shall accept the certificate of authority in lieu of a certificate of title for the vehicle.

ENACTMENT NOTE: HB 3588, Article 17, 76th Texas Legislature, 2003, Section 17.11(d) provided that "the Texas Department of Transportation shall issue a nonrepairable vehicle title as the certificate of authority to dispose of a motor vehicle as provided for in Chapter 683, Transportation Code."

House Bill 3588, enacted by the 78th Texas Legislature, 2003, requires the department to issue a Nonrepairable Vehicle Title instead of COA under the provisions of Transportation Code, Chapter 683. Beginning October 1, 2007, the department began issuing a *Nonrepairable Vehicle Title* (Form VTR-222-NR) branded "Certificate of Authority" instead of an *Application for Authority to Dispose of a Motor Vehicle to a Demolisher for Demolition, Wrecking, or Dismantling Only* (Form VTR-71-3). The requirements and procedures for obtaining authority to dispose of a motor vehicle to a demolisher remain the same.

Demolisher's Duty

Transportation Code Section 683.056

A motor vehicle demolisher who acquires a motor vehicle for dismantling or demolishing shall obtain from the person delivering the vehicle:

(1) the motor vehicle's certificate of title;

(2) a sales receipt for the motor vehicle;

(3) a transfer document for the vehicle as provided by Subchapter B or Subchapter E; or

(4) a certificate of authority for the disposal of the motor vehicle.

(a) A demolisher is not required to obtain a certificate of title for the vehicle in the demolisher's name.

(b) On the department's demand, the demolisher shall surrender for cancellation the certificate of title or certificate of authority.

(c) The department shall adopt rules and forms necessary to regulate the surrender of auction sales receipts and certificates of title.

22.7 Vehicles Abandoned in Coastal Waters

The removal and disposal process for vessels and structures in or on coastal waters is found in the Natural Resources Code, Chapter 40 and is administered by the General Land Office.

The term "structure" includes a vehicle as defined by Section 502.001, Transportation Code, if the vehicle is:

- located in coastal waters; and

- in a wrecked, derelict, or substantially dismantled condition.

A person may not abandon, or maintain any such structure or vessel in or on coastal waters, on public or private lands if the commissioner finds the structure or vessel to be:

- involved in an actual or threatened unauthorized discharge of oil;
- a threat to public health, safety, or welfare;
- a threat to the environment; or
- a navigation hazard.

The commissioner may remove and dispose of or contract for the removal and disposal of any such vessel or structure and may recover the resulting costs from the owner or operator.

This method of disposal is expected to be uncommon and occur usually after weather related disasters. The General Land Office then administers the disposal of the vehicles.

22.8 Public Nuisance Vehicles

Transportation Code Section 683.072

A junked vehicle, including a part of a junked vehicle that is visible from a public place or public right-of-way:

(1) is detrimental to the safety and welfare of the public;

(2) tends to reduce the value of private property;

(3) invites vandalism;

(4) creates a fire hazard;

(5) is an attractive nuisance creating a hazard to the health and safety of minors;

(6) produces urban blight adverse to the maintenance and continuing development of municipalities; and

(7) is a public nuisance.

Transportation Code Section 683.072 declares junked vehicles to be a public nuisance and Section 683.074 authorizes any city, town, or county within this state to adopt procedures (city ordinance, etc.) for the abatement and removal of junked vehicles or parts of a junked vehicle from private property, public property, or public rights-of-way.

Transportation Code Section 683.071 (Two Versions HB 787 82nd Legislature), defines a junked vehicle as a vehicle that is self-propelled and is wrecked, dismantled or partially dismantled or discarded; or inoperable or has remained inoperable for more than 72 consecutive hours on public property; or 30 consecutive days on private property.

The term junked vehicle includes a motor vehicle, aircraft, or watercraft (see both the fine and confinement.).

Public nuisance abatement vehicles reported to the department on the *Application for Certificate of Authority to Dispose of an Abated Public Nuisance Vehicle* (Form VTR-71-4) will be processed as Certificate of Authority (COA) applications.

A municipality or county that removes a vehicle under these provisions must notify the department no later than five days after the date of removal by completing and submitting an *Application for Certificate of Authority to Dispose of an Abated Public Nuisance Vehicle* (Form VTR-71-4). A. COA will be issued in the name of the municipality or county reporting the public nuisance abatement vehicle. The municipality or county will then assign the COA to the demolisher, and the demolisher will surrender the COA to the department once the vehicle has been permanently destroyed.

Note: The department will accept the *Transfer of Junked Vehicle to a Demolisher* (Form VTR-71-5) from demolishers for vehicles transferred to the demolisher by a municipality or county prior to January 1, 2017. Any vehicle transferred to a demolisher after January 1, 2017, must be transferred on a COA and subsequently surrendered to the department on the *Surrendered Ownership Evidence for Vehicles Permanently Destroyed* (Form VTR-340-M) following permanent destruction.

Authority to Abate Nuisance; Procedures

Transportation Code Section 683.074

(a) A municipality or county may adopt procedures that conform to this subchapter for the abatement and removal from private or public property or a public right-of-way of a junked vehicle or part of a junked vehicle as a public nuisance.

(b) The procedures must:

(1) prohibit a vehicle from being reconstructed or made operable after removal;

(2) require a public hearing on request of a person who receives notice as provided by Section 683.075 if the request is made not later than the date by which the nuisance must be abated and removed; and

(3) require that notice identifying the vehicle or part of the vehicle be given to the department not later than the fifth day after the date of removal.

(c) An appropriate court of the municipality or county may issue necessary orders to enforce the procedures.

(d) Procedures for abatement and removal of a public nuisance must be administered by regularly salaried, full-time employees of the municipality or county, except that any authorized person may remove the nuisance.

(e) A person authorized to administer the procedures may enter private property to examine a public nuisance, to obtain information to identify the nuisance, and to remove or direct the removal of the nuisance.

(f) On receipt of notice of removal of a motor vehicle under Subsection (b) (3), the department shall immediately cancel the certificate of title issued for the vehicle.

(g) The procedures may provide that the relocation of a junked vehicle that is a public nuisance to another location in the same municipality or county after a proceeding for the abatement and removal of the public nuisance has commenced has no effect on the proceeding if the junked vehicle constitutes a public nuisance at the new location.

(h) On receipt of notice of removal of a watercraft under Subsection (b)(3), the department shall notify the Parks and Wildlife Department of the removal. On receipt of the notice from the department, the Parks and Wildlife Department shall immediately cancel the certificate of title issued for the watercraft.

Notice

Transportation Code Section 683.075

(a) The procedures for the abatement and removal of a public nuisance under this subchapter must provide not less than 10 days' notice of the nature of the nuisance. The notice must be personally delivered or sent by certified mail with a five-day return requested, or delivered by the United States Postal Service with signature confirmation service to:

(1) the last known registered owner of the nuisance;

(2) each lienholder of record of the nuisance; and

(3) the owner or occupant of:

(A) the property on which the nuisance is located; or

(B) if the nuisance is located on a public right-of-way, the property adjacent to the right-of-way.

(b) The notice must state that:

(1) the nuisance must be abated and removed not later than the 10th day after the date on which the notice was personally delivered or mailed; and

(2) any request for a hearing must be made before that 10-day period expires.

(c) If the post office address of the last known registered owner of the nuisance is unknown, notice may be placed on the nuisance or, if the owner is located, personally delivered.

(d) If notice is returned undeliverable, action to abate the nuisance shall be continued to a date not earlier than the 11th day after the date of the return.

Hearing

Transportation Code Section 683.076

(a) The governing body of the municipality or county or a board, commission, or official designated by the governing body shall conduct hearings under the procedures adopted under this subchapter.

(b) If a hearing is requested by a person for whom notice is required under Section 683.075(a) (3), the hearing shall be held not earlier than the 11th day after the date of the service of notice.

(c) At the hearing, the junked motor vehicle is presumed, unless demonstrated otherwise by the owner, to be inoperable.

(d) If the information is available at the location of the nuisance, a resolution or order requiring removal of the nuisance must include:

(1) for a motor vehicle, the vehicle's:

(A) description;

(B) vehicle identification number; and

(C) license plate number;

(2) for an aircraft, the aircraft's:

(A) description; and

(B) federal aircraft identification number as described by Federal Aviation Administration aircraft registration regulations in 14 C.F.R. Part 47; and

(3) or a watercraft, the watercraft's:

(A) description; and

(B) identification number as set forth in the watercraft's certificate of number.

Alternative Procedure for Administrative Hearing

Transportation Code Section 683.0765

A municipality by ordinance may provide for an administrative adjudication process under which an administrative penalty may be imposed for the enforcement of an ordinance adopted under this subchapter. If a municipality provides for an administrative adjudication process under this section, the municipality shall use the procedure described by Section 54.044, Local Government Code.

Inapplicability of Subchapter

Transportation Code Section 683.077

(a) Procedures adopted under Section 683.074 or 683.0765 may not apply to a vehicle or vehicle part:

(1) that is completely enclosed in a building in a lawful manner and is not visible from the street or other public or private property; or

(2) that is stored or parked in a lawful manner on private property in connection with the business of a licensed vehicle dealer or junkyard, or that is an antique or special interest vehicle stored by a motor vehicle collector on the collector's property, if the vehicle or part and the outdoor storage area, if any, are:

(A) maintained in a orderly manner;

(B) not a health hazard; and

(C) screened from ordinary public view by appropriate means, including a fence, rapidly growing trees, or shrubbery.

(b) In this section:

(1) "Antique vehicle" means a passenger car or truck that is at least 25 years old.

(2) "Motor vehicle collector" means a person who:

(A) owns one or more antique or special interest vehicles; and

(B) acquires, collects, or disposes of an antique or special interest vehicle or part of an antique or special interest vehicle for personal use to restore and preserve an antique or special interest vehicle for historic interest.

(3) "Special interest vehicle" means a motor vehicle of any age that has not been changed from original manufacturer's specifications and, because of its historic interest, is being preserved by a hobbyist.

Junked Vehicle Disposal

Transportation Code Section 683.078

(a) A junked vehicle, including a part of a junked vehicle, may be removed to a scrap yard, a motor vehicle demolisher, or a suitable site operated by a municipality or county.

(b) A municipality or county may operate a disposal site if its governing body determines that commercial disposition of junked vehicles is not available or is inadequate. A municipality or county may:

(1) finally dispose of a junked vehicle or vehicle part; or

(2) transfer it to another disposal site if the disposal is scrap or salvage only.

22.9 Miscellaneous: Statutes, Uses, Offense, Etc.

Conflict of Laws; Effect on Other Laws

Transportation Code Section 683.003

(a) Sections 683.051 - 683.055 may not be read as conflicting with Sections 683.074 - 683.078.

(b) This chapter does not affect a law authorizing the immediate removal of a vehicle left on public property that is an obstruction to traffic.

Law Enforcement Agency Use of Certain Abandoned Motor Vehicles

Transportation Code Section 683.016

(a) The law enforcement agency that takes an abandoned motor vehicle into custody that is not claimed under Section 683.012 may:

(1) use the vehicle for agency purposes; or

(2) transfer the vehicle to any other municipal or county agency, a groundwater conservation district governed by Chapter 36, Water Code, or a school district for the use of that agency or district.

(b) The law enforcement agency shall auction the vehicle as provided by this subchapter if the law enforcement agency or the municipal or county agency, groundwater conservation district, or school district to which the vehicle was transferred under Subsection (a) discontinues use of the vehicle.

(c) This section does not apply to an abandoned vehicle on which there is a garagekeeper's lien.

(d) This section does not apply to a vehicle that is:

(1) taken into custody by a law enforcement agency located in a county with a population of 3.3 million or more; and

(2) removed to a privately owned storage facility.

(e) A law enforcement agency must comply with the notice requirements of Section 683.012 before the law enforcement agency may transfer a vehicle under Subsection (a)(2).

Rules and Forms

Transportation Code Section 683.055

The department may adopt rules and prescribe forms to implement Sections 685.051 - 683.054.

Demolisher's Records; Offense

Transportation Code Section 683.057

(a) A motor vehicle demolisher shall keep a record of a motor vehicle that is acquired in the course of business.

(b) The record must contain:

(1) the name and address of the person from whom the vehicle was acquired; and

(2) the date of acquisition of the vehicle.

(c) The demolisher shall keep the record until the first anniversary of the date of acquisition of the vehicle.

(d) The record shall be open to inspection by the department or any law enforcement agency at any time during normal business hours.

(e) A motor vehicle demolisher commits an offense if the demolisher fails to keep a record as provided by this section.

(f) An offense under Subsection (e) is a misdemeanor punishable by:

(1) a fine of not less than $100 or more than $1000;

(2) confinement in the county jail for a term of not less than 10 days or more than six months; or

(3) both the fine and confinement.

Municipal Requirements

Transportation Code Section § 683.0711

An ordinance adopted by a governing body of a municipality may provide for a more inclusive definition of a junked vehicle subject to regulation under this subchapter.

Offense

Transportation Code Section 683.073

(a) A person commits an offense if the person maintains a public nuisance described by Section 683.072.

(b) An offense under this section is a misdemeanor punishable by a fine not to exceed $200.

(c) The court shall order abatement and removal of the nuisance on conviction.

Chapter 23

FORECLOSURE OF MISCELLANEOUS LIENS

This chapter contains the following sections:

- ***23.1*** Mechanic's Lien
- ***23.2*** Franchise Mechanic's Lien
- ***23.3*** Storage Lien
- ***23.4*** Licensed Vehicle Storage Facility Lien
- ***23.5*** Self-Service Storage Facility Lien
- ***23.6*** Landlord's Lien
- ***23.7*** Verification of Title and/or Registration
- ***23.8*** Acceptable Proof of Notifications
- ***23.9*** Miscellaneous Information Regarding Lien Foreclosure
- ***23.10*** Nonrepairable Vehicles

23.1 Mechanic's Lien

Form: *Mechanic's Lien Foreclosure* (Form VTR-265-M)

Storage Location: Repair Shop

Authorization: Owner of record, lienholder of record, or authorized operator of vehicle

Statute: Property Code, Chapter 70

General Information

In those instances when a mechanic's lien is acquired on a motor vehicle under provisions of the Property Code, Chapter 70 (Worker's Lien), the lien may be disposed of in accordance with the provisions of Section 70.006. A mechanic's lien can be created only when a vehicle is repaired pursuant to a signed contract or agreement between a mechanic and the vehicle owner or a person who has authority to contract for such services.

These procedures only apply to non-franchise dealer mechanics. Refer to "Franchise Mechanic's Lien" for franchise dealer mechanic requirements.

Registration Determination

This method of vehicle disposal cannot be used if the mechanic is unable to determine where the vehicle was last registered. Disposal of the vehicle must be by court order through a county or district court.

Signed Work Order

A copy of the signed work order is required. The work order must be signed by a person who has authority to authorize repair on the vehicle. A mechanic or individual associated with the mechanic or shop may not authorize the repair on behalf of another individual. Disposal of the vehicle must be by court order through a county or district court if a copy of the signed work order is not available.

Repossession

A lien continues to exist if possession of the vehicle was released in return for a payment that was stopped, dishonored because of insufficient funds, no funds, or account closed. The mechanic is entitled to repossess the vehicle if the work order, repair contract, or a separate document has a statement in boldface, capitalized, underlined, or in a conspicuous manner with a separate signature line (for the signature of a person who has authority to authorize repair on the vehicle) that the vehicle may be subject to repossession. The mechanic may include the repossession fee with the original amount due.

Note: When a vehicle is repossessed, the "charges accrue" date is the date of the repossession rather than the date the repairs were completed. The repossession date is used because the mechanic/garage may charge repossession fees. Notifications would be required from the date of repossession.

A separate signature (signed by a person who has authority to authorize repair on the vehicle) on a separate signature line is required to authorize a repossession. An application for a vehicle that has been repossessed under this procedure will be rejected if a separate signature on a separate signature line authorizing a repossession is not submitted with the title application.

Once the vehicle is repossessed, it must be stored at the location where the repair was performed or at a licensed vehicle storage facility until the vehicle is returned to the owner or lienholder upon payment of charges or until the vehicle is disposed of under the mechanic's lien foreclosure process.

A vehicle cannot be repossessed if it is possessed by a person who became the purchaser after the stop payment was made or payment was dishonored because of insufficient funds, no funds, or account closed. A vehicle cannot be repossessed if there has been a change in ownership between the time the vehicle was released for payment and the stop payment.

Owner Inspection

The mechanic/garage must make the motor vehicle available for inspection to verify the repairs any time prior to the public sale if the owner or lienholder requests.

Storage Fees

In addition to the *Mechanic's Lien Foreclosure* (Form VTR-265-M), the storage lien foreclosure process and the *Storage Lien Foreclosure* (Form VTR-265-S) must also be completed if any amount of the charges include storage fees. The applicable process for mechanics to follow would be Procedure 1: Consent under the storage lien foreclosure process.

Note: A separate storage contract is not required for mechanics.

The mechanic must make the Law Enforcement Notification between the 11th and 17th day after the charges accrue. No more than 5 days of storage fees may be assessed (except as detailed in the next paragraph). Storage fees cannot be assessed if the law enforcement notification is not made between this time; however, any other fees remain valid.

More than 5 days of storage fees may only be assessed if a claimant makes a Notice to Remove Vehicle within the applicable time period. Additional days of storage may be assessed beginning with the day the Notice to Remove Vehicle is made.

Note: Under Procedure 1, the Notice to Remove Vehicle is not required unless the mechanic charges more than 5 days of storage fees. Only the Law Enforcement Notification is required if 5 or fewer days of storage are assessed.

A release of lien is required if a lien is indicated on the title and/or registration verification and any portion of the amount due represents charges for storage; otherwise, foreclosure must be through a county or district court. Refer to Section 23.3, Storage Lien.

Financial Agreements

A mechanic's lien cannot be filed if a customer enters into a financial agreement with a company, a financial institution, or with the mechanic/garage for the cost of the repairs. This includes agreements that the mechanic/garage subsequently sells to another financial institution. Companies or financial institutions that finance or purchase existing contractual financial agreements from mechanics/garages are ineligible to file a mechanic's lien under Texas Property Code, Chapter 70. Applications for mechanic's liens that are supported by a financial agreement are not accepted and are rejected.

Mechanic's Notification Requirements

Foreclosure Notice

A mechanic/garage must notify the owner(s) and any lienholder(s) of record by Certified Mail, Return Receipt, not later than 30 days after the charges accrue. Charges accrue the day the repairs are completed or the day the vehicle is repossessed. A notice must also be sent to the address on the work order if the address is different from that listed on the registration and/or title verification.

Contents of the Foreclosure Notice

The notification must include all of the following:

- The amount of the charges and a request for payment.
- The physical address where the repairs were made.
- The legal name of the mechanic or business (garage) that holds the lien.
- The taxpayer or employer identification number of the mechanic or garage that holds the lien (social security number is acceptable if a TIN, EIN, or FEIN is not available).
- A copy of the signed work order authorizing repairs.

Notice by Newspaper Publication

A mechanic/garage may notify by publication in a newspaper of general circulation (see Newspaper of General Circulation) in the county in which the vehicle is stored if **all** of the following apply:

1. The mechanic/garage submits a written request by Certified Mail, Return Receipt, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner(s) and any lienholder(s) of record.
2. The mechanic/garage:
   - is advised in writing by the governmental entity with which the motor vehicle is registered that the entity is unwilling or unable to provide information on the last known registered owner or any lienholder of record, or
   - does not receive a response from the governmental entity with which the motor vehicle is registered on or before the 21st day after the date the mechanic/garage submits a request.
3. The identity of the last known registered owner cannot be determined.
4. The registration does not contain an address for the last known registered owner.
5. The mechanic/garage cannot determine the identities and addresses of the lienholders of record.

Note: The mechanic/garage is not required to publish notice in a newspaper, if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed, refused, the forwarding order has expired, or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

Note: Notice by newspaper publication is not permissible if possession of the motor vehicle was obtained prior to September 1, 1999.

Storage Charges

When more than 5 days of storage charges are being assessed, a mechanic must provide an additional notice (the Notice to Remove Vehicle of the Storage Lien foreclosure process). A single, written request to the governmental entity requesting owner/lienholder information satisfies that requirement for the Notice to Remove Vehicle and Foreclosure Notice if making the notices by newspaper publication. Two separate requests to the governmental entity are not required; however, two separate newspaper publications would be required.

Copy of Notice to County Tax Assessor-Collector

A mechanic/garage must also submit **all** of the following to the county tax assessor-collector's office of the county in which repairs were made within 30 days of charges accruing:

- An administrative fee of $25.

- Proof of Foreclosure Notice sent to the owner(s) and any applicable lienholder(s) by Certified Mail, Return Receipt, or proof of Newspaper Publication including the Certified Mail, Return Receipt, to the governmental entity.
- A copy of the Signed Work Order.

Note: Filing a copy of the notice with the county tax assessor-collector's office is not required if possession was obtained prior to September 1, 2009 and notifications were sent within the required period.

Administrative Fee

An additional $25 administrative fee should not be collected if a transaction is rejected either by the county tax assessor-collector's office or the department unless it is necessary for the county tax assessor-collector's office to resend the notifications due to incorrect information provided by the mechanic/garage (such as owner, lienholder, or vehicle information is incorrect).

When a transaction is rejected by a county tax assessor-collector's office due to an incorrect Foreclosure Notice, any new notices sent by the mechanic/garage must still be sent within 30 days of the charges accruing. The mechanic's lien foreclosure process cannot be completed if proper notification is not made to the owner(s)/lienholder(s) and a copy of that notice is not filed with the county tax assessor-collector's office within 30 days of the charges accruing.

Newspaper Publication

A mechanic/garage must submit date stamped receipts for certified mail and the return receipt, sent to the state of record requesting verification of owner(s) and lienholder(s), AND a legible photocopy of the newspaper publication which includes the name and date of the publication to the county tax assessor-collector's office if notice is made by newspaper publication.

County Tax Assessor-Collector's Office Notification Requirements

The county tax assessor-collector's office must send a copy of the signed work order and notification to the owner(s) and any lienholder(s) of record and to the address on the work order if different from the address on the motor vehicle record not later than the 15th business day after receiving notification. The county tax assessor-collector's notification must also include the date the notice was filed by the mechanic/garage with the county tax assessor-collector.

Note: A county tax assessor-collector's office is not required to publish a notice in the newspaper.

Public Sale

Vehicles sold to the highest bidder at public sale transfer to the purchaser using *Mechanic's Lien Foreclosure* (Form VTR-265-M). The purchaser must apply for a vehicle title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).

Storage Charges Not Included

If the Foreclosure Notice was made prior to September 1, 2015, a mechanic/garage or their authorized agent may sell the vehicle at public sale if charges are not paid in full before the 31st day after the day the Foreclosure Notice was mailed (or published in a newspaper) by the mechanic/garage.

If the Foreclosure Notice was made **on or after** September 1, 2015, a mechanic/garage or their authorized agent may sell the vehicle at public sale if charges are not paid in full before the 31st day after the copy of the notice was filed with the county tax assessor-collector's office. The public sale may not take place before the 31st day after the date a copy of the notice is filed with the county tax assessor-collector's office.

A release of lien is not required when storage charges are not included.

Storage Charges Included

If the Foreclosure Notice was made **prior** to September 1, 2015, a mechanic/garage or their authorized agent may sell the vehicle at public sale to the highest bidder if the charges are not paid in full before the 31st day after the Law Enforcement Notification or Foreclosure Notice is made, whichever is latest.

If the Foreclosure Notice was made **on or after** September 1, 2015, a mechanic/garage or their authorized agent may sell the vehicle at public sale if charges are not paid in full before the 31st day after Law Enforcement Notification or the copy of the notice was filed with the county tax assessor-collector's office, whichever is latest.

A release of lien is required if a lien is indicated on the Texas or out of state title and/or registration verification.

Proceeds

The proceeds are to be applied to the payment of charges due, and the excess proceeds (balance) paid to the person entitled to it.

The person holding the excess proceeds must pay it to the county treasurer of the county in which repairs were made if a person entitled to the excess proceeds is not known or has moved from this state. The treasurer should issue the person a receipt for the payment. The excess becomes a part of the county's general fund if the person entitled to the excess does not claim it before two years after the day it is paid to the treasurer.

Evidence Required to Transfer Ownership

1. *Application for Texas Title and/or Registration* (Form 130-U). The purchaser of the vehicle at public sale must apply for title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).
2. *Mechanic's Lien Foreclosure* (Form VTR-265-M). Must be completed by the mechanic/garage/authorized agent and signed by the mechanic/garage/authorized agent and purchaser.
3. Verification of Title and/or Registration.

4. Proof of Foreclosure Notice sent to the owner(s) and any lienholder(s) by Certified Mail, Return Receipt, or proof of Newspaper Publication including the Certified Mail, Return Receipt, to the governmental entity.

5. Dated receipt from the county tax assessor-collector's office showing the $25 administrative fee was paid. This evidences the filing with the county tax assessor-collector's office.

6. A copy of current proof of liability insurance in the applicant's name. Refer to Chapter 11 of the `TxDMV Motor Vehicle Registration Manual`.

7. A copy of the signed work order is required.

8. If storage fees are charged:

   - *Storage Lien Foreclosure* (Form VTR-265-S).
   - Dated receipt from the law enforcement agency showing the $10 administrative fee was paid. This evidences the filing with the law enforcement agency. In lieu of the receipt, the "*Law Enforcement Certification*" on the *Storage Lien Foreclosure* (Form VTR-265-S) must be completed.
   - If more than 5 days of storage fees are assessed, proof of Notice to Remove Vehicle sent to the owner(s) and any lienholder(s) by Certified Mail, Return Receipt, or proof of Newspaper Publication including the Certified Mail, Return Receipt, to the governmental entity.
   - A release of lien is required if a lien is indicated on the title/registration verification.

9. Verification of the vehicle identification number, motor number, or serial number to establish the vehicle's correct identity is required when a verification of title and/or registration is unavailable. A pencil tracing, photograph, *Vehicle Identification Number Certification* (Form VTR-270), or *Law Enforcement Identification Number Inspection* (Form VTR-68-A) are acceptable when required.

10. A Vehicle Inspection Report is required if the vehicle was last registered out of state. A certified weight certificate is also required for a commercial vehicle (refer to Chapter 10, Weight Certificate).

23.2 Franchise Mechanic's Lien

Form: *Franchise Mechanic's Lien Foreclosure* (Form VTR-265-FM)

Storage Location: Repair Shop

Authorization: Owner of record, lienholder of record, or authorized operator of vehicle

Statute: Property Code, Chapter 70

General Information

In those instances when a mechanic's lien is acquired on a motor vehicle under provisions of the Property Code, Chapter 70 (Worker's Lien), the lien may be disposed of in accordance with the provisions of Section 70.006. A mechanic's lien can be created only when a vehicle is repaired pursuant to a signed contract or agreement between a garagekeeper and the vehicle owner or a person who has authority to contract for such services.

These procedures only apply to license franchise dealer mechanics/garages. Refer to "Mechanic's Lien" for non-franchise dealer mechanic/garage requirements.

Registration Determination

This method of disposal of the vehicle cannot be used if the mechanic/garage is unable to determine where the vehicle was last registered. Disposal of the vehicle must be by court order through a county or district court.

Signed Work Order

A copy of the signed work order is not required but recommended. The explanation of repairs must be completed on the *Franchise Mechanic's Lien Foreclosure* (Form VTR-265-FM) if a signed work order is not available.

Repossession

A lien continues to exist if possession of the vehicle was released in return for a payment that was stopped, dishonored because of insufficient funds, no funds, or account closed. The mechanic/garage is entitled to repossess the vehicle if the work order, repair contract, or a separate document has a statement in boldface, capitalized, underlined, or in a conspicuous manner with a separate signature line (for the signature of a person who has authority to authorize repair on the vehicle) that the vehicle may be subject to repossession. The mechanic/garage may include the repossession fee with the original amount due.

Note: When a vehicle is repossessed, the "charges accrue" date is the date of the repossession rather than the date the repairs were completed. The repossession date is used because the mechanic/garage may charge repossession fees. Notifications would be required from the date of repossession.

A separate signature (of the signature of a person who has authority to authorize repair on the vehicle) on a separate signature line is required to authorize a repossession. An application for a vehicle that has been repossessed under this procedure will be rejected if a separate signature on a separate signature line authorizing a repossession is not submitted with the title application.

A repossessed vehicle must be stored at the location where the repair was performed or at a licensed vehicle storage facility until the vehicle is returned to the owner or lienholder upon payment of charges or until the vehicle is disposed of under the mechanic's lien foreclosure process.

A vehicle cannot be repossessed if it is possessed by a person who became the purchaser after the stop payment was made or payment was dishonored because of insufficient funds, no funds, or account closed.

Storage Fees

In addition to the *Mechanic's Lien Foreclosure* (Form VTR-265-M), the storage lien foreclosure process and the *Storage Lien Foreclosure* (Form VTR-265-S) must also be completed if any amount of the charges include storage fees. The applicable process for mechanics to follow would be Procedure 1: Consent under the storage lien foreclosure process.

Note: A separate storage contract is not required for mechanics.

Mechanic must make the Law Enforcement Notification between the 11th and 17th day after of the charges accrue. No more than 5 days of storage fees may be assessed (except as detailed in the next paragraph). Storage fees cannot be assessed if the law enforcement notification is not made between this time; however, any other fees remain valid.

More than 5 days of storage fees may only be assessed if a claimant makes a Notice to Remove Vehicle within the applicable time period. Additional days of storage may be assessed beginning with the day the Notice to Remove Vehicle is made.

Note: Under Procedure 1, the Notice to Remove Vehicle is not required unless the mechanic charges more than 5 days of storage fees. Only the Law Enforcement Notification is required if 5 or fewer days of storage are assessed.

A release of lien is required if a lien is indicated on the title and/or registration verification and any portion of the amount due represents charges for storage; otherwise, foreclosure must be through a county or district court. Refer to Section 23.3, Storage Lien.

Financial Agreements

A mechanic's lien cannot be filed if a customer enters into a financial agreement with a company, a financial institution, or with the mechanic/garage for the cost of the repairs. This includes agreements that the mechanic/garage subsequently sells to another financial institution. Companies or financial institutions that finance or purchase existing contractual financial agreements from mechanics/garages are ineligible to file a mechanic's lien under Texas Property Code, Chapter 70. Applications for mechanic's liens that are supported by a financial agreement are not accepted and are rejected.

Mechanic's Notification Requirements

Foreclosure Notice

A licensed franchise dealer mechanic/garage must notify the owner(s) and any lienholder(s) of record by Certified Mail, Return Receipt, after the charges accrue. There is no statutory requirement for when a franchise dealer mechanic must make the Foreclosure Notice, only that one must be made prior to public sale. A notice must also be sent to the address on the work order if the address is different from that listed on the registration and/or title verification.

Contents of the Foreclosure Notice

The notification must include the amount of the charges and a request for payment. Although not required for franchise dealer mechanic's liens, it is recommended that the notice also include:

- The physical address where the repairs were made.
- The legal name of the mechanic or business (garage) that holds the lien.
- The taxpayer or employer identification number of the mechanic or garage that holds the lien (social security number if a TIN, EIN, or FEIN is not available).
- A copy of the signed work order authorizing repairs.

Notice by Newspaper Publication

A franchise dealer mechanic/garage may notify by publication in a newspaper of general circulation (see Newspaper of General Circulation) in the county in which the vehicle is stored if **all** of the following apply:

1. The mechanic/garage submits a written request by certified mail, return receipt requested, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner(s) and any lienholder(s) of record.
2. The mechanic/garage:
   - is advised in writing by the governmental entity with which the motor vehicle is registered that the entity is unwilling or unable to provide information on the last known registered owner or any lienholder of record, or
   - does not receive a response from the governmental entity with which the motor vehicle is registered on or before the 21st day after the date the mechanic/garage submits a request.
3. The identity of the last known registered owner cannot be determined.
4. The registration does not contain an address for the last known registered owner.
5. The mechanic/garage cannot determine the identities and addresses of the lienholders of record.

Note: The mechanic/garage is not required to publish notice in a newspaper, if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed, refused, the forwarding order has expired, or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

Note: Notice by newspaper publication is not permissible if possession of the motor vehicle was obtained prior to September 1, 1999.

Storage Charges

When more than 5 days of storage charges are being assessed, a mechanic must provide an additional notice (the Notice to Remove Vehicle of the Storage Lien foreclosure process). A written request to the governmental entity requesting owner/lienholder information satisfies that requirement for the Notice to Remove Vehicle and Foreclosure Notice if making the notices by newspaper publication. Two separate requests to the governmental entity are not required; however, two separate newspaper publications would be required.

Copy of Notice to County Tax Assessor-Collector

A franchise dealer mechanic/garage is not required to submit a copy of the notice nor pay any administrative fee to the county tax assessor-collector's office.

Public Sale

Vehicles sold to the highest bidder at public sale transfer to the purchaser using *Franchise Mechanic's Lien Foreclosure* (Form VTR-265-FM). The purchaser must apply for a vehicle title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).

Storage Charges Not Included

A franchise dealer mechanic/garage or their authorized agent may sell the vehicle at public sale if charges are not paid in full before the 31st day after the day the Foreclosure Notice was mailed (or published in a newspaper). A release of lien is not required.

Storage Charges Included

A franchise dealer mechanic/garage or their authorized agent may sell the vehicle at public sale to the highest bidder if the charges are not paid in full before the 31st day after the Law Enforcement Notification or Foreclosure Notice is made, whichever is latest. A release of lien is required if a lien is indicated on the Texas or out of state title and/or registration verification.

Proceeds

The proceeds are to be applied to the payment of charges due, and the excess proceeds (balance) paid to the person entitled to it.

The person holding the excess must pay it to the county treasurer of the county in which repairs were made if a person entitled to the excess proceeds is not known or has moved from this state. The treasurer should issue the person a receipt for the payment. The excess becomes a part of the county's general fund if the person entitled to the excess does not claim it before two years after the day it is paid to the treasurer.

Evidence Required to Transfer Ownership

1. *Application for Texas Title and/or Registration* (Form 130-U). The purchaser of the vehicle at public sale must apply for title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).
2. *Franchise Mechanic's Lien Foreclosure* (Form VTR-265-FM). Must be completed by the mechanic/garage/authorized agent and signed by the mechanic/garage/authorized agent and purchaser.

3. Verification of Title and/or Registration.

4. Proof of Foreclosure Notice sent to the owner(s) and any applicable lienholder(s) by Certified Mail, Return Receipt, or proof of Newspaper Publication including the Certified Mail, Return Receipt to the governmental entity.

5. A copy of current proof of liability insurance in the applicant's name. Refer to Chapter 11 of the `TxDMV Motor Vehicle Registration Manual`.

6. A copy of the signed work order is required. In lieu of the work order, the explanation of repairs on the *Franchise Mechanic's Lien Foreclosure* (Form VTR-265-FM) must be completed.

7. If storage fees are charged:

   - *Storage Lien Foreclosure* (Form VTR-265-S).
   - Dated receipt from the law enforcement agency showing the $10 administrative fee was paid. This evidences the filing with the law enforcement agency. In lieu of the receipt, the "*Law Enforcement Certification*" on the *Storage Lien Foreclosure* (Form VTR-265-S) must be completed.
   - If more than 5 days of storage fees are assessed, proof of Notice to Remove Vehicle sent to the owner(s) and any lienholder(s) by Certified Mail, Return Receipt, or proof of Newspaper Publication including the Certified Mail, Return Receipt, to the governmental entity.
   - A release of lien is required if a lien is indicated on the title/registration verification.

8. Verification of the vehicle identification number, motor number, or serial number to establish the vehicle's correct identity is required when a verification of title and/or registration is unavailable. A pencil tracing, photograph, *Vehicle Identification Number Certification* (Form VTR-270), or *Law Enforcement Identification Number Inspection* (Form VTR-68-A) are acceptable when required.

9. A Vehicle Inspection Report is required if the vehicle was last registered out of state. A certified weight certificate is also required for a commercial vehicle (refer to Chapter 10, Weight Certificate).

23.3 Storage Lien

Form: *Storage Lien Foreclosure* (Form VTR-265-S)

Storage Location: Storage Facility (that is not a licensed vehicle storage facility)

Authorization: Consent and Non-consent. This section is not applicable to a non-consent law enforcement tow.

Statute: Property Code, Chapter 70

General Information

A storage lien acquired on a motor vehicle under the provisions of the Property Code, Chapter 70, Section 70.003, may be disposed of in accordance with the provisions of Section 70.004. Generally, a storage lien can exist only when a vehicle is stored pursuant to a contract or agreement between a garagekeeper and the vehicle owner or a person who has authority to contract for such services (consent). However, non-consent possession may be obtained under a state law or a city ordinance by a storage facility. As a result, there are two procedures:

- Procedure 1: Consent
- Procedure 2: Non-Consent

Abandoned Motor Vehicle

Transportation Code, Section 683.034 (Disposal of Vehicle Abandoned in Storage Facility) provides that a garagekeeper may dispose of a non-consent abandoned vehicle under Property Code, Chapter 70, if the vehicle was not taken into custody by law enforcement within 31 days after the notification required under Transportation Code, Section 683.031 was made to law enforcement.

Registration Determination

This method of vehicle disposal cannot be used if the claimant is unable to determine where the vehicle was last registered. Disposal of the vehicle must be by court order through a county or district court.

Law Enforcement Authorized Tow

A storage lien can only exist pursuant to a law enforcement authorized tow if the vehicle is towed to, and stored at, a licensed vehicle storage facility. In this situation, the Licensed Vehicle Storage Facility Lien Foreclosure process must be followed. Any other storage facility which obtains possession as a result of a law enforcement authorized tow is not eligible for the storage lien foreclosure process.

Procedure 1: Consent

This procedure must be followed if the vehicle was left at the storage facility with consent of the vehicle owner or an authorized operator of the vehicle. A written and dated contract for the vehicle to be stored on the premises of the facility is required. The contract must contain terms and, at minimum, an expiration date. “Possession” is obtained by the claimant the day following the expiration of the contract.

Claimant must make the Law Enforcement Notification between the 11th and 17th day after the contract expires. No more than 5 days of storage fees may be assessed (except as detailed in the next paragraph). Storage fees cannot be assessed if the law enforcement notification is not made between this time; however, any other fees (such as towing, mailing, etc) remain valid.

More than 5 days of storage fees may only be assessed if a claimant makes a Notice to Remove Vehicle within the applicable time period. Additional days of storage may be assessed beginning with the day the Notice to Remove Vehicle is made.

Note: Under Procedure 1, the Notice to Remove Vehicle is not required unless the claimant charges more than 5 days of storage fees. Only the Law Enforcement Notification is required if 5 or few days of storage are assessed.

Note: Verification of Title and/or Registration is required even if a Notice to Remove Vehicle is not made.

Procedure 2: Non-Consent

This procedure must be followed if the vehicle was left with a storage facility under a state law or city ordinance without the consent of the vehicle owner or an authorized operator of the vehicle. This does NOT include a law enforcement authorized tow. Authorized law enforcement tows must follow the Licensed Vehicle Storage Facility Lien Foreclosure process in order to assess storage and tow fees.

Under this procedure, the claimant must make the Notice to Remove Vehicle within the applicable time period. No more than 5 days of storage may be assessed until the Notice to Remove Vehicle is made. Additionally, the claimant must make the Law Enforcement Notification between the 11th and 17th day of making the Notice to Remove Vehicle. Storage fees cannot be assessed if the law enforcement notification is not made between this time; however, any other fees remain valid.

Storage Lien Notification Requirements

Notice to Remove Vehicle

Within 5 days of obtaining possession, the Notice to Remove Vehicle must be made by Certified Mail, Return Receipt, to the owner and all lienholders if the vehicle was last registered in Texas or within 14 days if the vehicle was last registered outside of Texas. Notice by newspaper publication may be permitted (see Notice by Newspaper Publication).

It is permissible for a claimant to send the Notice to Remove Vehicle for a vehicle last registered out of state after the 14th day if the claimant submits a written request by Certified Mail, Return Receipt, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner(s) and any lienholder(s) of record. The written request to the governmental entity must be made within 5 days of obtaining possession of the motor vehicle. Upon receipt of that information, the claimant must immediately send the notice to the owners and any lienholders for a vehicle last registered out of state or complete the process outlined in Notice by Newspaper Publication.

Whether the vehicle is registered in Texas or out of state, no more than five days of storage fees may be charged until the notice is mailed to the owner and any lienholders or published in a newspaper. Once the notice is mailed or published, additional days of storage may be charged until the vehicle is removed and all accrued charges are paid.

Contents of Notice to Remove Vehicle

The notice must include all of the following:

- A request to remove the motor vehicle

- A request for payment
- The location of the motor vehicle
- The amount of accrued charges

Law Enforcement Notification

A vehicle is deemed abandoned (Transportation Code Section 683.031) after the 10th day after the date the contract expires (Procedure 1: Consent) or the Notice to Remove Vehicle is made (Procedure 2: Non-Consent). The claimant must report the motor vehicle as abandoned to the law enforcement agency in the jurisdiction where the vehicle is located within 7 days of the determination the vehicle is abandoned. No storage charges may be assessed if law enforcement is notified after the 7th day; however, any other fees remain valid.

Upon receipt of this report, law enforcement has 10 days to send another notice by certified mail to the registered owner(s) and any applicable lienholder(s).

Notice by Newspaper Publication

Instead of notification by mail, claimants may notify by publication in a newspaper of general circulation (see Newspaper of General Circulation) in the county in which the vehicle is stored if **all** of the following apply:

1. The motor vehicle is registered in another state.
2. The claimant submits a written request by Certified Mail, Return Receipt, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner(s) and any lienholder(s) of record.
3. The claimant:
   - is advised in writing by the governmental entity with which the motor vehicle is registered that the entity is unwilling or unable to provide information on the last known registered owner or any lienholder of record, or
   - does not receive a response from the governmental entity with which the motor vehicle is registered on or before the 21st day after the date the claimant submits a request.
4. The identity of the last known registered owner cannot be determined.
5. The registration does not contain an address for the last known registered owner.
6. The claimant cannot determine the identities and addresses of the lienholders of record.

Note: The claimant is not required to publish notice in a newspaper if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed, refused, the forwarding order has expired, or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

Note: Notice by newspaper publication is not permissible if possession of the motor vehicle was obtained prior to September 1, 1999.

Public Sale

The claimant or their authorized agent may sell the vehicle at public sale to the highest bidder if the charges are not paid AND law enforcement does not take the vehicle into custody before the 31st day after the Law Enforcement Notification is made. A release of lien is required if a lien is indicated on the Texas or out of state title and/or registration verification. Vehicles sold to the highest bidder at public sale transfer to the purchaser using *Storage Lien Foreclosure* (Form VTR-265-S). The purchaser must apply for a vehicle title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).

Proceeds

The proceeds are to be applied to the payment of charges due and the excess proceeds (balance) paid to the person entitled to it.

The person holding the excess must pay it to the county treasurer of the county in which the vehicle was stored if a person entitled to the excess proceeds is not known or has moved from this state. The treasurer should issue the person a receipt for the payment. The excess becomes a part of the county's general fund if the person entitled to the excess does not claim it before two years after the day it is paid to the treasurer.

Evidence Required to Transfer Ownership

1. *Application for Texas Title and/or Registration* (Form 130-U). The purchaser of the vehicle at public sale must apply for title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).
2. *Storage Lien Foreclosure* (Form VTR-265-S). Must be completed by the claimant/authorized agent and signed by the claimant/authorized agent and purchaser.
3. Verification of Title and/or Registration.
4. Proof of notifications sent to the owner(s) and any lienholder(s) by Certified Mail, Return Receipt, or proof of Newspaper Publication including the Certified Mail, Return Receipt, to the governmental entity. *(Required for Procedure 1 only if more than 5 days of storage are assessed. Required for Procedure 2 under any circumstance.)*
5. Proof of law enforcement notification. Acceptable proof of law enforcement notification includes:
   - Dated receipt from the law enforcement agency showing the $10 administrative fee was paid, the vehicle identification number of the motor vehicle reported as abandoned, and the law enforcement agency's name;
   - Completion of the "*Law Enforcement Certification*" on the *Storage Lien Foreclosure* (Form VTR-265-S); or
   - Proof of Certified Mail, Return Receipt, or Electronic Certified Mail sent to the law enforcement agency (Original Return Receipt required).

6. A copy of the written and dated contract for the vehicle to be stored on the premises of the facility is required. The contract must contain terms and, at minimum, an expiration date. *(Only applicable for Procedure 1.)*
7. A copy of the city ordinance must be attached if possession was obtained under a city ordinance. *(Only applicable for Procedure 2.)*
8. Release of lien(s), if applicable. A release of lien is required if a lien is indicated on the title/registration verification.
9. A copy of current proof of liability insurance in the applicant's name. Refer to Chapter 11 of the TxDMV Motor Vehicle Registration Manual.
10. Verification of the vehicle identification number, motor number, or serial number to establish the vehicle's correct identity is required when a verification of title and/or registration is unavailable. A pencil tracing, photograph, *Vehicle Identification Number Certification* (Form VTR-270), or *Law Enforcement Identification Number Inspection* (Form VTR-68-A)are acceptable when required.
11. A Vehicle Inspection Report is required if the vehicle was last registered out of state. A certified weight certificate is also required for a commercial vehicle (refer to Chapter 10, Weight Certificate).

23.4 Licensed Vehicle Storage Facility Lien

Form: *Licensed Vehicle Storage Facility Lien Foreclosure* (Form VTR-265-VSF)

Storage Location: Licensed Vehicle Storage Facility

Authorization: Law Enforcement or anyone other than the owner or lienholder of record (non-consent of the owner)

Statute: Occupations Code, Chapter 2303

General Information

A licensed vehicle storage facility is a garage, parking lot, or other facility owned by a person other than a governmental entity and is used to store or park at least 10 vehicles each year. A licensed vehicle storage facility must be licensed by the Texas Department of Licensing and Regulation (or the Texas Department of Transportation's Motor Carrier Division prior to January 1, 2008) under Occupations Code, Chapter 2303.

A licensed vehicle storage facility's possession of the vehicle must have been in conjunction with a non-consent private property or law enforcement tow. **Provisions of the Vehicle Storage Facility Act do not apply to a vehicle parked or stored at a VSF with the consent of the vehicle's owner.**

Vehicle Storage Facility Notifications Requirements

All notifications (except the law enforcement notification) are required to be written notices made by Certified Mail, Return Receipt, or by Electronic Certified Mail unless eligible for notification by publication. All notifications must include the information required by the Texas Department of Licensing and Regulation. For information concerning these requirements call (512) 463-6599 or Toll-Free 800-803-9202.

Licensed Vehicle Storage Facilities are subject to the notification requirements under Occupations Code, Chapter 2303. The notifications required by the TxDMV are outlined in the following subsections.

First Notice (Notice to Owner or Lienholder)

Within 5 days of obtaining possession, the first notice must be made to the owner and "primary lienholder" if the vehicle was last registered in Texas or within 14 days to the owner and "each recorded lienholder" if the vehicle was last registered outside of Texas. Under no circumstances can the first notice be made within the first 24 hours of obtaining possession. The first notice must be sent by Certified Mail, Return Receipt, or by Electronic Certified Mail. Although not required, it is recommended that all applicable lienholders be notified if the vehicle was last registered in Texas. Notification must be made to all applicable lienholders if the vehicle was last registered outside of Texas. Notice by newspaper publication may be permitted (see Notification by Newspaper).

Note: Electronic certified mail is only permissible if possession of the vehicle was obtained on or after September 1, 2003.

It is permissible for a licensed vehicle storage facility to send the First Notice for a vehicle last registered out of state after the 14th day. The licensed vehicle storage facility must send a request to that state in which the motor vehicle is registered requesting information relating to the identity of the last known registered owner(s) and any lienholder(s) of record within 5 days of obtaining possession of the motor vehicle. Upon receipt of that information, the licensed vehicle storage facility must immediately send the notice to the owners/lienholders for a vehicle last registered out of state.

Whether the vehicle is registered in Texas or out of state, no more than five days of storage fees may be charged until the notice is mailed to the owner and lienholder or to the governmental entity. Once the notice is mailed, additional days of storage may be charged until the vehicle is removed and all accrued charges are paid.

Contents of First Notice

The notice must include all of the following:

- The date the vehicle was accepted for storage
- The first day for which a storage fee is assessed
- The daily storage rate
- The type and amount of any other charge to be paid when the vehicle is claimed
- The full name, street address, and telephone number of the vehicle storage facility
- The hours during which the owner may claim the vehicle
- The facility license number preceded by "Texas Department of Licensing and Regulation Vehicle Storage Facility License Number" or "TDLR VSF Lic. No."

Note: Prior to January 1, 2008, the facility license number is proceeded by "Texas Department of Transportation Vehicle Storage Facility License Number."

Law Enforcement Notification

A vehicle is deemed abandoned (Transportation Code Section 683.031(a)(3)) the 10th day after the date the First Notice was mailed or published in a newspaper. The licensed vehicle storage facility must report the motor vehicle as abandoned to the law enforcement agency in the jurisdiction where the vehicle is located within 7 days of the determination the vehicle is abandoned if fees include storage charges. No storage charges may be assessed if law enforcement is notified after the 7th day.

Upon receipt of this report, law enforcement has 10 days to send another notice by certified mail to the registered owner(s) and any applicable lienholder(s).

Second Notice (Consent to Sale)

If the vehicle remains unclaimed and law enforcement takes no action before the 15th day after the first notice was mailed or published, the licensed vehicle storage facility is required to make a second notification to the last known owner(s) and "primary lienholder." Although not required, it is recommended that all applicable lienholders be notified.

Statute does not specify that the second notice must be by electronic or certified mail; however, since evidence of mailing is required, it is recommended the second notice be sent by electronic or certified mail.

Contents of Second Notice

The notice must include all of the following:

- All of the same information required in the First Notice (Notice to Owner or Lienholder)
- A statement of the right of the facility to dispose of the vehicle under Occupations Code 2303.157
- A statement that the failure of the owner or lienholder to claim the vehicle before the 30th day after the date the notice is provided is a waiver by that person of all right, title, or interest in the vehicle and a consent to the sale of the vehicle at a public sale

Notice by newspaper publication may be permitted (see Notification by Newspaper).

This section is not applicable to abandoned nuisance vehicles. Refer to Abandoned Nuisance Vehicle for Second Notice exemption details.

Second Notice when possession was obtained prior to 9/1/2005

The Second Notice can not have been sent prior to the 41st day after the First Notice was made if possession of the vehicle was obtained prior to September 1, 2005.

Notification by Newspaper

In lieu of written notification, publication of the notice(s) in a newspaper of general circulation (see Newspaper of General Circulation) in the county in which the vehicle is stored may be used if ANY of the following apply:

- The vehicle is registered in another state

- The licensed vehicle storage facility operator has sent a correctly addressed request by Certified Mail, Return Receipt, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner and any lienholder of record (Proof of this effort is required to support the Texas Title Application)
- The identity of the registered owner cannot be determined
- The registration does not contain an address for the registered owner
- The licensed vehicle storage facility operator cannot reasonably determine the identity and address of each lienholder
- The vehicle does not display a license plate or a vehicle inspection certificate indicating the state of registration

Note: If possession was obtained prior to September 1, 2005, all of the above must have applied in order to make notification by newspaper publication.

Contents of Publication for First Notice

The notice by publication for the First Notice must include all of the following:

- The vehicle description
- The total charges
- The full name, street address, and telephone number of the vehicle storage facility
- The Texas Department of Licensing and Regulation Vehicle Storage Facility License Number

Note: Prior to January 1, 2008, the facility license number was issued by the Texas Department of Transportation's Motor Carrier Division.

Contents of Publication for Second Notice

The notice by publication for the Second Notice must include:

- All of the same information required in the publication of the First Notice listed above (vehicle description, total charges, facility information, and facility number), and
- A statement that the failure of the owner or lienholder to claim the vehicle before the 30th day after the date the notice is provided is a waiver by that person of all right, title, or interest in the vehicle and a consent to the sale of the vehicle at a public sale.

Note: The licensed vehicle storage facility operator is not required to publish notice in a newspaper if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed, refused, the forwarding order has expired, or with a notation that the addressee has moved without leaving a forwarding address.

The department requires the licensed vehicle storage facility to send a correctly addressed request by Certified Mail, Return Receipt, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner and any lienholder of record. A request by electronic certified mail to the governmental entity is not acceptable.

Note: The newspaper publication option is not available if a motor vehicle record is found in Texas.

Notice by publication in a newspaper may include a list of more than one vehicle.

Public Sale

The licensed vehicle storage facility operator or their authorized agent may sell the vehicle at public sale without obtaining a release of lien if the charges are not paid before the 30th day after the second notice is made, and no action has been taken by law enforcement. The Public Sale may take place on or after the 31st day after the second notice or law enforcement notice, whichever is latest. The proceeds from the sale shall be applied to the payment of any charges and pay the balance, if any, to the person entitled to them. Vehicles sold to the highest bidder at public sale transfer to the purchaser using *Licensed Vehicle Storage Facility Lien Foreclosure* (Form VTR-265-VSF). The purchaser must apply for a vehicle title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).

Evidence Required to Support the Application for Title

1. *Application for Texas Title and/or Registration* (Form 130-U). The purchaser of the vehicle at public sale must apply for title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).
2. *Licensed Vehicle Storage Facility Lien Foreclosure* (Form VTR-265-VSF). Must be completed by the licensed vehicle storage facility operator/authorized agent and signed by the licensed vehicle storage facility operator/authorized agent and purchaser.
3. Verification of Title and/or Registration.
4. Proof of notifications sent to the owner(s) and any applicable lienholder(s) by Certified Mail, Return Receipt (or Electronic Certified Mail), or proof of Newspaper Publication including the Certified Mail, Return Receipt, to the governmental entity.
5. Proof of law enforcement notification. Acceptable proof of law enforcement notification includes:
   - Dated receipt from the law enforcement agency showing the $10 administrative fee was paid, the vehicle identification number of the motor vehicle reported as abandoned, and the law enforcement agency's name;
   - Completion of the "*Law Enforcement Certification*" on *Licensed Vehicle Storage Facility Lien Foreclosure* (Form VTR-265-VSF); or

- Proof of Certified Mail, Return Receipt, or Electronic Certified Mail sent to the law enforcement agency (Original Return Receipt required).

6. A copy of current proof of liability insurance in the applicant's name. Refer to Chapter 11 of the TxDMV Motor Vehicle Registration Manual.

7. Verification of the vehicle identification number, motor number, or serial number to establish the vehicle's correct identity is required when a verification of title and/or registration is unavailable. A pencil tracing, photograph, *Vehicle Identification Number Certification* (Form VTR-270), or *Law Enforcement Identification Number Inspection* (Form VTR-68-A) are acceptable when required.

8. A Vehicle Inspection Report is required if the vehicle was last registered out of state. A certified weight certificate is also required for a commercial vehicle (refer to Chapter 10, Weight Certificate).

Abandoned Nuisance Vehicle

An abandoned nuisance vehicle means a motor vehicle that is at least 10 years old and of a condition only to be demolished, wrecked, or dismantled.

Under this scenario, the licensed vehicle storage facility must still report the vehicle as abandoned to law enforcement, or may send the notices required under Transportation Code, Chapter 683 and notify the Texas Department of Licensing and Regulation (TDLR). Receipt for payment, or certification from law enforcement, or TDLR on the *Application for Authority to Dispose of an Abandoned Nuisance Vehicle to Demolisher* (Form VTR-71-6) is required.

A vehicle storage facility that holds an abandoned nuisance vehicle is not required to send or publish a second notice and may apply to the department to dispose of the vehicle to a demolisher on or after the 30th day the First Notice is made.

Purchasers of an abandoned nuisance vehicle may only apply to the department for a Certificate of Authority (COA). Refer to Nonrepairable Vehicles.

Evidence Required to Support the Application for Authority to Dispose

1. *Application for Authority to Dispose of an Abandoned Nuisance Vehicle to Demolisher* (Form VTR-71-6). Application must be completed by the licensed vehicle storage facility.

2. Payment of the $10.00 application fee in the form of a cashier's check, money order, or check made payable to the Texas Department of Motor Vehicles.

3. Verification of Title and/or Registration.

4. Verification of the vehicle identification number, motor number, or serial number to establish the vehicle's correct identity is required when a verification of title and/or registration is unavailable. A pencil tracing, photograph, *Vehicle Identification Number Certification* (Form VTR-270), or *Law Enforcement Identification Number Inspection* (Form VTR-68-A) are acceptable when required.

5. Proof of notification sent to the owner(s) and any applicable lienholder(s) by Certified Mail, Return Receipt (or Electronic Certified Mail), or proof of Newspaper Publication including the Certified Mail, Return Receipt, to the governmental entity.
6. Proof of law enforcement notification. Acceptable proof of law enforcement notification includes:
   - Dated receipt from the law enforcement agency showing the $10 administrative fee was paid, the vehicle identification number of the motor vehicle reported as abandoned, and the law enforcement agency's name;
   - Completion of the "*Law Enforcement Certification*" on *Application for Authority to Dispose of an Abandoned Nuisance Vehicle to Demolisher* (Form VTR-71-6); or
   - Proof of Certified Mail, Return Receipt, or Electronic Certified Mail sent to the law enforcement agency (Original Return Receipt required).
7. A copy of current proof of liability insurance in the applicant's name. Refer to Chapter 11 of the `TxDMV Motor Vehicle Registration Manual`.

The form, fee, and all applicable documentation should be submitted to:

Texas Department of Motor Vehicles
Vehicle Titles and Registration Division
Austin, Texas 78779-0001

23.5 Self-Service Storage Facility Lien

Form: *Self-Service Storage Facility Lien Foreclosure* (Form VTR-265-SSF)

Storage Location: Self-Service Storage Facility

Authorization: Owner, lessor (tenant), sub-lessor, or owner/agent of self-service storage facility.

Statute: Property Code, Chapter 59

General Information

When a self-service storage facility's lien is acquired on a motor vehicle under the provisions of the Property Code, Chapter 59, Section 59.021, the lien may be disposed of in accordance with the provision of Sections 59.042 and 59.0445.

If unable to determine where the vehicle was last registered, this method of disposal of the vehicle cannot be used. Disposal of the vehicle must be by court order through a court of competent jurisdiction or must be disposed of as an abandoned motor vehicle under Transportation Code, Section 683.002(a)(3).

Priority of Self Service Storage Liens

A self-service storage facility lien takes priority over all other liens. Therefore, a release of any recorded lien is not required.

Rental/Lease Agreement

A written rental or lease agreement signed by the self-service storage facility (lessor) and the tenant (lessee) is required. The agreement must contain the self-service storage facility's rights to seize and sell the property. The seizure and sale rights must be underlined or printed in conspicuous bold print. The lien is not enforceable unless the sale and disposition of the property is authorized in a written rental/lease agreement.

Servicemembers

Under Property Code, Section 59.010, servicemember has the meaning assigned by Servicemembers Civil Relief Act (50 U.S.C. App. Section 511), Section 101. A member of the Texas State Guard or Texas National Guard who is in military service is entitled to the same protections and rights relating to the enforcement of storage liens under the Servicemembers Civil Relief Act (50 U.S.C. App. Section 511 et seq.) to which a servicemember is entitled.

Self-Service Storage Facility Notification Requirements

Notice of Claim

The "Notice of Claim" (Tenant's Notice) to the tenant must be sent by Verified Mail or e-mail. The notice may not be sent by e-mail unless a written rental/lease agreement between the self-service storage facility and the tenant contains language underlined or in conspicuous bold print that notice may be given by e-mail if the tenant elects to provide an e-mail address.

Notice by verified mail or e-mail is considered delivered when mailed or e-mailed to the tenant's address or e-mail as listed in the rental/lease agreement.

Contents of Notice of Claim

In accordance with Property Code, Section 59.043, the self-service storage facility's notice to the tenant must contain all of the following:

- An itemized account of the claim
- The name, address, and telephone number of the self-service storage facility or the self-service storage facility's agent
- A statement that the contents of the self-service storage facility have been seized under the contractual landlord's lien
- A statement the property may be sold at public auction if the tenant fails to satisfy the claim on or before the 14th day after the date the notice is delivered
- A statement underlined or printed in conspicuous bold print requesting a tenant who is in military service to notify the lessor of the status of the tenant's current military service immediately (This statement is not required if the notice was made prior to January 1, 2012)

Note: A self-service storage facility may require written proof of a tenant's military service in the form of documentation from the United States Department of Defense or other documentation reasonably acceptable to the self-service storage facility.

Delivery of Notice of Claim

The self-service storage facility must deliver the notice in person or by e-mail or verified mail to the tenant's last known e-mail or postal address. This notice must be made at least 15 days prior to the Notice of Sale being published or posted. If made in person, a signed and dated acknowledgment of receipt is required from the tenant; however, the department recommends making the Notice of Claim by e-mail or verified mail to minimize complications.

Note: If possession of the vehicle was obtained prior to January 1, 2012, the notice must be made by Certified Mail, Return Receipt, only. Verified mail and email notifications prior to this date are not acceptable.

Notice of Sale

The Notice of Sale (Tenant's Notice) must be made by newspaper publication, or if newspaper publication is unavailable, by posting a notice in five conspicuous locations near the self-service storage facility in addition to a posting at the self-service storage facility.

Publication

If the tenant fails to satisfy the claim under the Notice of Claim on or before the 14th day after the notice was mailed or emailed, the self-service storage facility must publish two notices in a newspaper of general circulation in the county where the self-service storage facility is located. Publication must be made in two consecutive weeks, and the first publication cannot be before the 15th day after the Notice of Claim was mailed or emailed.

Timing of the Notice of Claim and Notice of Sale

The Notice of Claim (Tenant's Notice) and the Notice of Sale can be made at any time, including after the Notice to Owner(s) and Lienholder(s). There is no requirement when the Notice of Claim must be made, but the Notice of Sale must be made no earlier than the 15th day after the Notice of Claim is made. However, public sale cannot occur unless all three notices have been made AND the Notice to Owner(s) and Lienholder(s) was made no later than 30 days after the self-service storage facility took possession (refer to Public Sale).

Notice to Owner(s) and Lienholder(s)

The self-service storage facility must give written notice of sale to the last known owner and each holder of a lien recorded on the motor vehicle title no later than 30 days after the self-service storage facility takes possession of the motor vehicle. If the vehicle is registered or titled in another state, the self-service storage facility must provide notice to the owner and each lienholder of record in that state. The Notice to Owner(s) and Lienholder(s) can be made before or after either the Notice of Claim or Notice of Sale, as long as the Notice to Owner(s) and Lienholder(s) is made no later than 30 days after the facility took possession. The self-service storage facility lien foreclosure procedure is not available if the Notice to Owner(s) and Lienholder(s) is made later than the 30th day after the facility took possession and disposition must be by court order from a county or district court.

Notice by newspaper publication may be permitted (see Newspaper Publication).

Contents of Notice to Owner(s) and Lienholder(s)

The notice must include the amount of the charges secured by the lien, a request for payment, and a statement that if the charges are not paid in full before the 31st day after the date the notice is mailed or published, the property may be sold at public auction.

Delivery of Notice to Owner(s) and Lienholder(s)

The self-service storage facility must send notice by Verified Mail or make a Newspaper Publication. Notice by Verified Mail is considered delivered when the notice, properly addressed with postage prepaid, is deposited with the United States Postal Service or a common carrier.

Newspaper Publication

A self-service storage facility may publish the notice once in a print or electronic version of a newspaper of general circulation (see Newspaper of General Circulation) in the county where the vehicle is stored. The self-service storage facility may use publication as a notification process if ALL of the following apply:

- The self-service storage facility submits a written request by Verified Mail to the governmental entity with which the motor vehicle is registered or titled requesting information relating to the identity of the last known owner(s) and any lienholder(s) of record.
- The self-service storage facility:
  - is advised in writing by the governmental entity with which the motor vehicle is registered or titled that the entity is unwilling or unable to provide information on the last known owner(s) or any lienholder(s) of record, or
  - does not receive a response from the governmental entity with which the motor vehicle is registered or titled on or before the 21st day after the date the self-service storage facility submits the request.
- The identity of the last known owner of record cannot be determined.
- The registration or title does not contain an address for the last known owner of record.
- Cannot determine the identities and addresses of the lienholders of record.

Note: The self-service storage facility is not required to publish notice if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed, refused, the forwarding order has expired, or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

Note: Notice by newspaper publication is not permissible if possession of the vehicle was obtained prior to September 1, 1999. The written request sent to the governmental agency must have been made by certified mail, return receipt if possession of the vehicle was obtained prior to January 1, 2012. Verified mail was not acceptable prior to January 1, 2012.

Public Sale

A self-service storage facility may sell the motor vehicle at public sale if charges are not paid before the 31st day after the day the Notice to Owner(s) and Lienholder(s) was made. Additionally, the Notice of Claim (Tenant's Notice) must be mailed/e-mailed (as applicable) and the Notice of Sale must be published/posted (as applicable) prior to the public sale. The public sale may occur on, or after, the later of the following: the 31st day after the Notice to Owner(s) and Lienholder(s) was mailed; or the 15th day after the Notice of Sale was published (or 11th day if made by posting). The proceeds shall be applied to the payment of charges, and the balance shall be paid to the person entitled to them. Vehicles sold to the highest bidder at public sale transfer to the purchaser using *Self-Service Storage Facility Lien Foreclosure* (Form VTR-265-SSF). The purchaser must apply for a vehicle title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).

Evidence Required to Transfer Ownership

1. *Application for Texas Title and/or Registration* (Form 130-U). The purchaser of the vehicle at public sale must apply for title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).
2. *Self-Service Storage Facility Lien Foreclosure* (Form VTR-265-SSF). Must be completed by the self-service storage facility operator/authorized agent and signed by the self-service storage facility operator/authorized agent and purchaser.
3. A copy of the signed Rental/Lease Agreement.
4. Verification of Title and/or Registration.
5. Proof of notifications:

   Notice of Claim (Tenant's Notice) - Official evidence of Verified Mail or e-mail made at least 15 days prior to the "Notice of Sale." E-mail verification must consist of a copy of the e-mail evidencing date of transmission and the recipient's email address (matching the email listed in the rental/lease agreement).

   Notice of Sale - Proof consists of legible photocopies of each (two) newspaper publications which includes the name of the publication and the dates of publication. Publications must be in two consecutive weeks. The first publication must be on or after the 15th day after "Notice of Claim" (Tenant's Notice) was made.

   If "Notice of Sale" is made by posting, a copy of the notice and a list of at least five addresses where the postings were made is required.

   Notice of Owner(s) and Lienholder(s) - Official evidence of Verified Mail and/or Newspaper Publication (as applicable). This notice must be made on or before the 30th day after the self-service storage facility takes possession of the vehicle.
6. A copy of current proof of liability insurance in the applicant's name. Refer to Chapter 11 of the `TxDMV Motor Vehicle Registration Manual`.

7. Verification of the vehicle identification number, motor number, or serial number to establish the vehicle's correct identity is required when a verification of title and/or registration is unavailable. A pencil tracing, photograph, *Vehicle Identification Number Certification* (Form VTR-270), or *Law Enforcement Identification Number Inspection* (Form VTR-68-A) are acceptable when required.
8. A Vehicle Inspection Report is required if the vehicle was last registered out of state. A certified weight certificate is also required for a commercial vehicle (refer to Chapter 10, Weight Certificate).

23.6 Landlord's Lien

Form: *Landlord's Lien Foreclosure* (Form VTR-265-L)

Storage Location: Lease or Rental Property

Authorization: Landlord or Landlord's Agent

Statute: Property Code, Chapter 54

General Information

When a landlord's lien is acquired on a motor vehicle under the provisions of the Property Code, Section 54.041, the landlord may sell or dispose of a motor vehicle in accordance with the provisions of Chapter 54.

Rental/Lease Agreement

A written rental or lease agreement signed by the landlord (lessor) and the tenant (lessee) is required. The agreement must contain the landlord's rights to seize and sell the property. The seizure and sale rights must be underlined or printed in conspicuous bold print. The lien is not enforceable unless the sale and disposition of the property is authorized in a written rental/lease agreement.

The landlord cannot charge for packing, removing, or storing the motor vehicle unless those charges are authorized in the written rental/lease agreement.

Ownership

The vehicle that is seized and sold must be in the name of the tenant listed in the rental/lease agreement. A title verification is required from the last state of title. A release of lien is required when the title verification indicates a lien. If the vehicle title is not in the tenant's name (as listed in the rental/lease agreement), verification of the title record cannot be obtained from another state, or if a release of lien cannot be obtained (if a lien is recorded on the title record), the landlord's lien foreclosure is not available and the disposition must be accomplished by court order from a county or district court.

Exempt/Non-Exempt Property

A landlord may only seize and sell non-exempt property located on the rental property. A landlord may not seize exempt property. One automobile and one truck, each, are considered exempt and cannot be seized under this the landlord's lien foreclosure procedure. Additional automobiles and trucks are considered non-exempt and may be seized and sold under this procedure.

Landlord's Notification Requirements

Seizure of Property Notice

The landlord must leave a written notice with an itemized list of the items removed immediately after seizure in a conspicuous place within the dwelling. The notice must state the amount of delinquent rent and the name, address, and telephone number of the person the tenant may contact regarding the amount owed. The notice must state that the property will be promptly returned upon full payment of the delinquent rent.

Note: Proof of this notice is not required to be attached to the title application.

Notices of Sale

The landlord must give notice to the tenant no later than the 30th day before the date of the sale. The notice must be sent by both first class mail AND Certified Mail, Return Receipt, to the tenant's last known address and must include all of the following:

- The date, time, and place of the sale
- An itemized account of the amount owed by the tenant to the landlord
- The name, address, and telephone number of the person the tenant may contact regarding the sale, the amount owed, and the right of the tenant to redeem the property at any time before the property is sold by paying all delinquent rents and, if authorized in the written lease, reasonable packing, moving, storage, and sale costs

Public Sale

The landlord or their authorized agent may sell the vehicle at public sale to the highest bidder if the charges are not paid before the 31st day after the Notices of Sale are mailed. The proceeds from the sale shall be applied to the payment of any charges and pay the balance, if any, to the person entitled to them. Vehicles sold to the highest bidder at public sale transfer to the purchaser using *Landlord's Lien Foreclosure* (Form VTR-265-L). The purchaser must apply for a vehicle title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).

Excess Proceeds

The landlord must mail any sale proceeds remaining to the tenant at the tenant's last known address no later than the 30th day after the date of the sale. The landlord must provide the tenant with an account of all the proceeds on the sale within 30 days of the tenant making a written request for the accounting.

Evidence Required to Transfer Ownership

1. *Application for Texas Title and/or Registration* (Form 130-U). The purchaser of the vehicle at public sale must apply for title in their name, unless the vehicle is purchased by a dealer with a current General Distinguishing Number (GDN).
2. *Landlord's Lien Foreclosure* (Form VTR-265-L). Must be completed by the landlord/authorized agent and signed by the landlord/authorized agent and purchaser.
3. A copy of the signed Rental/Lease Agreement.

4. Verification of title is required from the last state of title in the tenant's name. **A third party verification is not acceptable. Verification must be from the state of record (government entity).** If not available or the verification is not in the tenant's name, this procedure cannot be used and disposition of the vehicle must be by court order. There are no acceptable alternatives.
5. Proof of Notices of Sale sent to the tenant by Certified Mail, Return Receipt. Proof of the notification sent to the tenant by first class mail is not required.
6. Release of lien(s), if applicable. A release of lien is required if a lien is indicated on the title/registration verification.
7. A copy of current proof of liability insurance in the applicant's name. Refer to Chapter 11 of the `TxDMV Motor Vehicle Registration Manual`.
8. Verification of the vehicle identification number, motor number, or serial number to establish the vehicle's correct identity may be requested. A pencil tracing, photograph, *Vehicle Identification Number Certification* (Form VTR-270), or *Law Enforcement Identification Number Inspection* (Form VTR-68-A)are acceptable when required.
9. A Vehicle Inspection Report is required if the vehicle was last registered out of state. A certified weight certificate is also required for a commercial vehicle (refer to Chapter 10, Weight Certificate).

23.7 Verification of Title and/or Registration

If the vehicle is registered in Texas, verification of Texas title and registration is required. If registered outside of Texas, verification of title and registration from the state of record is required if available. **A third party verification is not acceptable. Verification must be from the state of record (government entity).** If not available, the following may be provided:

- If a statutory lienholder sends a written request for title and registration verification to the state of record by certified or verified mail (as applicable, see Type of Mailing below) and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions the state will forward the statutory lienholder's notification to the owner(s) and lienholder(s) for notification purposes, then the original letter(s) from the state of record, along with certified or verified mail (as applicable, see Type of Mailing below) receipts for each notification sent to that state, is acceptable; or
- If notification is made by newspaper publication (if applicable), proof that a correctly addressed request for the name and address of the last known registered owner(s) and lienholder(s) was sent to the state of record by certified or verified mail (as applicable, see Type of Mailing below). Proof consists of a copy of the request sent along with certified or verified mail (as applicable) receipts for the notification sent to the state of record.

Type of Mailing

Mechanic's lien, franchise mechanic's lien, vehicle storage facility lien and storage lien foreclosures require the title and/or registration verification request to be made by Certified Mail, Return Receipt. Self-service storage facility operators may make the request by Verified Mail.

Not Applicable

This section does not apply to landlord lien foreclosures. Landlords may make the request for title and/or registration verification in any manner; however, the alternative methods provided above do not apply to these lien foreclosures. A title and/or registration verification is required from the last state of record; otherwise, the landlord's lien foreclosure procedure is not an available option for disposition. Refer to Section ***23.6*** Landlord's Lien.

No Record Found/VIN Verification Required

A VIN verification is required if no Texas or out of state title verification is available for a mechanic's lien, franchise mechanic's lien, vehicle storage facility lien, and storage lien foreclosure. This section does not apply to landlord's lien foreclosure because the foreclosure process is not permissible if a record cannot be located.

New Owner or Lienholder Recorded

In rare situations, a new owner or lienholder is recorded on the motor vehicle record after a statutory lienholder has obtained the registration and/or title verification. Statutory lienholders are not required to send additional notifications or restart the notification process if they have notified the owner and lienholder on record at the time of obtaining registration and/or title verification. This includes the time between when the statutory lienholder obtains the registration and/or title verification and the title application is filed at the county tax assessor-collector's office following public sale.

23.8 Acceptable Proof of Notifications

Certified Mail, Return Receipt

Proof consists of the United States Postal Service (USPS) date stamped receipts for certified mail (PS Form 3800 or 3877) and the return receipt (PS Form 3811), together with any unopened certified letter(s) returned as undeliverable, unclaimed, refused, or no forwarding address.

Figure 23-1 PS Form 3800

Note: "Track and Confirm" is not acceptable.

PS Form 3877

A copy of the page from the *Firm Mailing Book for Accountable Mail* (PS Form 3877) or a copy of a privately printed or computer generated firm mailing bill is acceptable provided it contains a U.S. postal date stamp, the name and complete address of the person/firm to whom the certified mail was sent, the "Article Number" corresponds on all documentation, and indicates the mailing type as "Certified Mail."

Additionally, the PS Form 3877 is provided by USPS when the PS Form 3800 is lost.

PS Form 3877 details are located on the USPS Website.

Lost Return Receipt

When the post office loses the return receipt or the unopened certified letters that should have been returned as undeliverable, unclaimed, refused, or no forwarding address, the mailer may request from the post office a return of receipt after mailing and a record of delivery. This will be acceptable in lieu of the PS Form 3811.

Electronic Certified Mail

Electronic certified mail consists of the PS Form 3800 or PS Form 3877 for proof of mailing. If the PS Form 3877 is used, it must show "Certified Mail" as the type.

The proof of delivery is verified with a USPS Tracking printout where the tracking number is the same number shown on the PS Form 3800 or 3877 and shows the date of delivery and a status of "Delivered." The tracking number for the notice must match the tracking number displayed on the USPS Tracking printout.

In all cases, proof must establish a date of mailing, date of delivery or status showing "delivered," and the address where the notification(s) were mailed.

Any unopened certified letter(s) returned as undeliverable, unclaimed, refused, or no forwarding address should be submitted.

Electronic certified mail is only acceptable for licensed vehicle storage facility lien notifications when possession of the motor vehicle occurred on or after September 1, 2003. Electronic certified mail is not acceptable for any other lien foreclosure notifications detailed in this chapter.

Verified Mail

Verified mail means any method of mailing that provides evidence of mailing such as a receipt, copy of receipt, green card, or website tracking printout from the U.S. Postal Service or any common carrier. In lieu of this, unopened letter(s) returned as undeliverable, unclaimed, refused, or no forwarding address are accepted. “Track and Confirm” is acceptable proof of verified mail.

Newspaper Publication

Proof consists of the required evidence of mailing (refer to Evidence of Mailing) as well as a legible photocopy of the newspaper publication that includes the name and date of the publication.

Evidence of Mailing

The required evidence of mailing consists of the Certified Mail, Return Receipt, sent to the governmental entity with which the vehicle was last registered and/or titled for a Mechanic’s Lien, Franchise Mechanic’s Lien, Licensed Vehicle Storage Facility Lien, and Storage Lien.

The required evidence of mailing consists of Verified Mail sent to the governmental entity with which the vehicle was last registered and/or titled for only a Self-Service Storage Facility Lien.

Newspaper publication is not an available option for a Landlord's Lien.

23.9 Miscellaneous Information Regarding Lien Foreclosure

Newspaper of General Circulation

In this chapter, the term “newspaper of general circulation” describes a newspaper that has more than a de minimis (too trivial or minor to merit consideration) number of subscribers within a particular geographic region, has a diverse audience/subscribership, and contains some news, editorials, and advertisements of general interest to the community. (Refer to Texas Attorney General Opinion No. JC-0223)

Liens Occurring Out of State

Out of state foreclosure liens should be cleared by the state in which the lien was created.

Renewal Recipient Notification

Renewal recipients are not required to be notified, but it is recommended. The last registered owner and lienholder are considered the owner of record; however, it is recommended that any other potential owner(s) and lienholder(s) listed on a title and/ or registration verification or those located in the eTAG and permit databases be notified.

Innocent Purchasers

The bonded title process or a tax assessor-collector hearing is only available to an innocent purchaser. A person buying directly from the statutory lienholder (mechanic, storage facility, etc) is not considered an innocent purchaser.

For example, if a mechanic sells a vehicle to Purchaser A without the proper documentation, Purchaser A is not an innocent purchaser because they directly purchased the vehicle from the statutory lienholder. However, if Purchaser A sells the vehicle to Purchaser B before obtaining title, Purchaser B would be considered an innocent purchaser because they did not buy the vehicle directly from the statutory lienholder.

Dealer Purchases

The purchaser, as shown on the bill of sale/assignment on the applicable foreclosure form must title in their name; however, if the purchaser is a dealer, the dealer may use *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

Deployed Military Protections

Refer to Chapter 20, Section 20.2 Deployed Military Protections.

23.10 Nonrepairable Vehicles

Purchase at Public Sale

When a vehicle is lawfully acquired at public auction pursuant to a statutory lien foreclosure sale and the vehicle is of such little value that it does not justify the expense of registration and title, the purchaser may apply to the department for a Certificate of Authority to dispose of the vehicle to a demolisher for demolition, wrecking, or dismantling. Applicants must complete the *Junked Vehicle Purchased at a Foreclosure Sale* (Form VTR-70) accompanied by the applicable statutory lien foreclosure form (VTR-265-M, VTR-265-FM, VTR-265-S, VTR-265-VSF, VTR-265-SSF, or VTR-265-L), and all related documents necessary to support the foreclosure transaction as would otherwise be required to be submitted to the county tax assessor-collector's office.

Mechanics Filing to Junk a Vehicle

A mechanic/garage must pay the $25 administrative fee to the county tax assessor-collector's office even if the vehicle is junk and the mechanic/garage or subsequent purchaser will be applying for a Certificate of Authority or Nonrepairable Vehicle Title. The only exemption from paying the fee is for franchise dealers. In situations where a *Mechanic's Lien Foreclosure* (Form VTR-265-M) is submitted with a *Junked Vehicle Purchased at a Foreclosure Sale* (Form VTR-70), the mechanic/garage is responsible for the $25 (to the county tax assessor-collector's office) and $10 (to the TxDMV) fees associated with the process. A franchise dealer mechanic/garage is only responsible for paying the $10 fee associated with the *Junked Vehicle Purchased at a Foreclosure Sale* (Form VTR-70).

Chapter 24

CERTIFIED COPIES

This chapter contains the following sections:

- ***24.1*** Lost or Destroyed Certificate of Title
- ***24.2*** Certified Copy of Title
- ***24.3*** Certified Copy of Duplicate Original Title (CCDO)
- ***24.4*** Safety Responsibility Act
- ***24.5*** Owner Verification Procedures/Acceptable Identification
- ***24.6*** Title Records Recording a Lien
- ***24.7*** Verifiable Proof for Lienholders Applying for Certified Copies of Titles
- ***24.8*** Business Owner(s) of Record/Verified Agent of Business
- ***24.9*** Vehicles Titled in the Name of a Trust
- ***24.10*** Retention of Documentation Returned
- ***24.11*** Certified Copy of Title Denial Alternatives
- ***24.12*** Title Transfers Involving Fraudulent/Questionable Certified Copies of Title
- ***24.13*** CCO Requests for Electronic Lien Records

24.1 Lost or Destroyed Certificate of Title

Transportation Code Section 501.134

(a) If a printed title is lost or destroyed, the owner or lienholder disclosed on the title may obtain, in the manner provided by this section and department rule, a certified copy of the lost or destroyed title directly from the department by applying in a manner prescribed by the department and paying a fee of $2. A fee collected under this subsection shall be deposited to the credit of the Texas Department of Motor Vehicles fund and may be spent only as provided by Section 501.138.

(b) If a lien is disclosed on a title, the department may issue a certified copy of the original title only to the first lienholder or the lienholder's verified agent.

(c) The department must plainly mark "certified copy" on the face of a certified copy issued under this section. A subsequent purchaser or lienholder of the vehicle only acquires the rights, title, or interest in the vehicle held by the holder of the certified copy.

(d) A purchaser or lienholder of a motor vehicle having a certified copy issued under this section may at the time of the purchase or establishment of the lien require that the seller or owner indemnify the purchaser or lienholder and all subsequent purchasers of the vehicle against any loss the person may suffer because of a claim presented on the original title.

(e) Repealed January 1, 2012

(f) Repealed January 1, 2012

(g) The department may issue a certified copy of a title only if the applicant:

(1) is the registered owner of the vehicle, the holder of a recorded lien against the vehicle, or a verified agent of the owner or lienholder; and

(2) submits personal identification as required by department rule.

(h) If the applicant is the agent of the owner or lienholder of the vehicle and is applying on behalf of the owner or lienholder, the applicant must submit verifiable proof that the person is the agent of the owner or lienholder.

24.2 Certified Copy of Title

A certified copy of title, as provided for in this section, should be issued upon presentation of a properly completed *Application for a Certified Copy of Title* (Form VTR-34) if the negotiable Texas Certificate of Title is lost or destroyed**.** No person should, without lawful authority attached to the application, complete an application for certified copy for any person other than the owner.

Submission

The *Application for a Certified Copy of Title* (Form VTR-34) together with the required documentation and the required fee, must be submitted directly to a TxDMV Regional Service Center.

The fee should be in the form of a check, cashier's check, or money order made payable to the Texas Department of Motor Vehicles. Do not mail cash.

If mailing by overnight or express mail**,** through a mail service, which requires a physical address, mail to your TxDMV Regional Service Center using the appropriate street address found on the *Application for a Certified Copy of Title* (Form VTR-34). Note the following:

- The certified copy of title is a negotiable title; and only the owner or lienholder**,** or verified agent of either should sign *Application for a Certified Copy of Title* (Form VTR-34), for a certified copy of a title.
- Original signatures are required on *Application for a Certified Copy of Title* (Form VTR-34). The department does not accept applications by fax.
- An application for a certified copy cannot be assigned**.** The certified copy of title should be issued before ownership of the motor vehicle concerned may be transferred.
- A photocopy of an "Acceptable Form of Current Identification" is required.
- Other documentation (i.e.: Release of Lien, or court documents) submitted with a *Application for a Certified Copy of Title* (Form VTR-34) should be original documents. VTR returns the original documents along with the certified copy of title.
- Powers of Attorney, including the *Power of Attorney for Transfer of Ownership to a Motor Vehicle* (Form VTR-271-A) may be photocopies.

Verification of Ownership

In the event the department receives an *Application for a Certified Copy of Title* (Form VTR-34) and every resource has been checked with no record of title or registration, the department cannot issue a certified copy of title. If the owner has satisfactory evidence of ownership, the owner may complete a statement of fact and submit it to the department with legible photocopies of evidence of ownership and the $2 fee.

Satisfactory evidence of ownership includes:

- A photocopy of an original or certified copy of the Certificate of Title in the applicants name with release of lien, if applicable.
- A Duplicate Original or a photocopy of a Duplicate Original (non-negotiable title issued prior to September 1, 2001) title in the applicants name, with a release of lien, if applicable.
- The Title Control Systems Branch processes applications without a recorded lien. County tax assessor-collector's offices process applications with a recorded lien.

Table 24-1 Evidence of Ownership

Evidence Of Ownership Indicates No Lien	Evidence Of Ownership Indicates A Lien
Submit a statement of fact	Submit a statement of fact
Attach legible photocopy of evidence of ownership indicating no lien	Attach legible photocopy of evidence of ownership indicating a lien and release of lien
Attach completed Form *Application for a Certified Copy of Title* (Form VTR-34) with a legible copy of the owner's government-issued photo ID	Attach completed *Application for Texas Title and/or Registration* (Form 130-U).
Submit a $2.00 fee in the form of a check, cashier's check, or money order payable to the Texas Department of Motor Vehicles.	Submit the title application fee ($28 or $33) fee in the form of a check, cashier's check, or money order payable to your local county tax assessor-collector.
Mail to: Texas Department of Motor Vehicles Vehicle Titles and Registration Division Attn: Title Control Systems Branch Austin, Texas 78779-0001	Mail or submit to your local county tax assessor-collector's office

- A certified copy of title issues in the owner's name as shown on the evidence of ownership and mailed to the delivery address provided (Refer to Chapter 7, "Corrections").
- If an application for a corrected title is filed, to remove a lien (no transfer of ownership involved) and the application is supported by a certified copy of title, the registered owner receives a certified copy of title.

Multiple CCO Requests

As of November 2010 there is a 30 day waiting period for persons requesting a duplicate CCO. In some emergency situations the department may waive this waiting period. Examples of these situations include:

- Immediate military deployments.
- A previous CCO issued based on fraudulent release of lien or similar circumstances.

The applicant must surrender the outstanding CCO or title for the vehicle in order to receive the duplicate CCO in under 30 days.

24.3 Certified Copy of Duplicate Original Title (CCDO)

Effective September 1, 2001, the requirement to issue a non-negotiable Duplicate Original Certificate of Title to the owner when a lien is recorded was eliminated and replaced with the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS). When a CCDO is listed, the reference is to a Certified Copy of Duplicate Original Non-negotiable Texas Title issued prior to September 1, 2001.

If a CCDO (issued prior to September 1, 2001) is lost or destroyed, a Duplicate Registration Receipt or Vehicle Inquiry may be requested from the county tax assessor-collector's office or TxDMV Regional Service Center.

24.4 Safety Responsibility Act

For information about the issuance of a certified copy of title or a registration receipt for Registration Purposes Only on vehicles suspended under the provisions of the Safety Responsibility Act, refer to Chapter 601 of the Texas Transportation Code, or Chapter 8, "Refusal/Denial of Title" of this manual.

24.5 Owner Verification Procedures/Acceptable Identification

The required proof for an individual owner of record, if no lien is recorded, is an "Acceptable Form of Current Identification". Required proof for an agent of the owner or lienholder is an acceptable form of current identification along with a letter of signature authority on letterhead or printed business card (letterhead or printed business card may be copies), or the agent's employee ID. A photocopy of the acceptable form of current identification presented should be attached to the *Application for a Certified Copy of Title* (Form VTR-34) to be included in the title history record.

Acceptable Form of Current Identification

Note: This section and references to this section in this chapter on acceptable forms of current identification is only applicable to applications for Certified Copy of Title.

An owner or lienholder may not apply for a certified copy of title unless the applicant presents a current photo identification of the owner or lienholder containing a unique identification number and expiration date. If the motor vehicle is titled in more than one name, then the identification for each owner must be presented. The identification document must be a:

- driver's license or state identification certificate issued by a state or territory of the United States;
- United States (U.S. passport card is acceptable) or foreign passport;
- United States military identification card;
- North Atlantic Treaty Organization (NATO) identification;
- identification issued under a Status of Forces Agreement;
- United States Department of Homeland Security identification document;

- United States Citizenship and Immigration Services identification document; or
- United States Department of State identification document.

Note: An ID will be considered current for identification purposes if it is not more than 12 months expired. A state-issued personal identification certificate issued to a qualifying person that specifies it is non-expiring is acceptable. For a Texas ID, the person must be at least 60 years old to qualify for a non-expiring ID.

Requirements

If the applicant is the individual owner of record the required documentation is:

1. A completed signed *Application for a Certified Copy of Title* (Form VTR-34) along with applicable fees.
2. A photocopy of the owner of record's acceptable form of current identification.
3. If the record indicates a lien, a release of lien on the lienholder's original letterhead. If the release of lien is on a department form, the lienholder should attach verifiable proof, such as a letter of signature authority on original letterhead, a business card, or a photocopy of the employee's ID.

Note: If the record indicates Joint Owners and/or a Survivorship Rights remark, each owner and/or survivor must also sign the application and provide a photo ID (Refer to Rights of Survivorship Agreement Represents Joint Ownership**).**

Power of Attorney

If the applicant has Power of Attorney (POA) for the individual owner of record, the individual or agent of the business-appointed POA is required to provide the following documentation:

1. A completed signed *Application for a Certified Copy of Title* (Form VTR-34) along with applicable fees.
2. A POA signed by the individual owner of record (original or photocopy is acceptable).
3. A photocopy of the individual owner of record's acceptable form of current ID.
4. If an individual has POA, a photocopy of the acceptable form of current ID of the individual signing the *Application for a Certified Copy of Title* (Form VTR-34).
5. If a business has POA, a letter of signature authority on letterhead, a business card, or a photocopy of the employee's ID, and a photocopy of the acceptable form of current ID of the business agent who signed *Application for a Certified Copy of Title* (Form VTR-34).
6. Any additional documentation required for the specific scenario if applicable.

Note: In the case of joint ownership, each owner should sign the POA and provide a photocopy of each individual owner of record's acceptable form of current ID.

Applying on Behalf of an Entity

When applying for a CCO on behalf of an entity, an employee's or authorized agent's employee ID is acceptable to establish authority to sign on behalf of the entity. In addition to the individual's government issued photo ID, an employee or agent can present an original or photocopy of a letter of authorization, printed business card, or employee ID. This applies to vehicles titled in the name of a business, government entity, organization, lease company, or with a power of attorney (POA).

If the motor vehicle is titled in the name of a trust, then an Acceptable Form of Current Identification, of a trustee must be presented along with a copy of the trust agreement listing the trustee.

Note: Copies of the letter of authorization, employee ID, printed business card, or POA are acceptable when provided as proof of signature authority.

24.6 Title Records Recording a Lien

If a motor vehicle record reflects a lienholder or lienholders (encumbered status), the first lienholder must complete *Application for a Certified Copy of Title* (Form VTR-34) for a certified copy of title. Previously encumbered owner(s) must complete *Application for a Certified Copy of Title* (Form VTR-34) and provide a release of lien for certified copy of title. (Refer to Chapter 12, "Liens" for more information).

A lien recorded on a motor vehicle Texas title remains on the record until a new application for Texas title is filed and supported by a release of lien. The certified copy of title is processed through a county tax assessor-collector's office, and a new title is issued showing no lien. If the title recording the lien is lost or destroyed, the recorded lienholder should complete *Application for a Certified Copy of Title* (Form VTR-34) for a certified copy of title. This is true even if the lien has been paid off, since the lien is still recorded against the vehicle in the files of the department.

Multiple Lienholders

A second lienholder has no authority to apply for a certified copy of title without a release of lien from the first lienholder.When dealing with a vehicle record with a first and second lienholder:

- The first lienholder may apply for a CCO without a release of lien from the second lienholder
- The owner(s) may apply for a CCO with a release of lien from **both** lienholders
- The second lienholder may apply for CCO with a release of lien from the first lienholder

Missing Lienholders

If a Texas record indicates a lien has been recorded on a Texas title for 10 years or more and the lienholder is no longer in business or cannot be located by the applicant, a certified copy of title may not be issued. Research must be performed to verify the lienholder has not merged with, or been bought out, by another entity which has assumed the original lienholder's assets. (Refer to Chapter 12, Section 12.13 Liens Over 10 Years Old.)

Certified Copies

A certified copy of title issues from an application for corrected title if supported by a surrendered certificate of title. Subsequent certificates of title bear the words "Certified Copy" until the motor vehicle is transferred to a new owner, who receives a negotiable title or a registration receipt if the application shows a lien.

If the outstanding title record of a vehicle reveals that a certified copy of title has been issued, either the certified copy or the negotiable title is acceptable as evidence to support an application for a new title.

In the event a certified copy of title is lost or destroyed, another certified copy of title issues from a properly completed *Application for a Certified Copy of Title* (Form VTR-34).

Deceased Owners

If the original owner of record is deceased, it is generally not necessary for a certified copy of title to be issued. However, a certified copy of title can be issued if the executor or heirs of the estate request a certified copy of title in order to sell the vehicle. In these instances, the executor should complete *Application for a Certified Copy of Title* (Form VTR-34) and attach Letters Testamentary. If the estate has not been probated, all heirs should complete an Heirship Affidavit and state on the affidavit that the original title has been lost and a title is needed to dispose of the vehicle. The Heirship Affidavit should accompany an *Application for a Certified Copy of Title* (Form VTR-34). The individual named as the purchaser on the *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) should sign the *Application for a Certified Copy of Title* (Form VTR-34). If the vehicle has not been sold, all heirs must designate on the separate affidavit who may obtain a CCO.

If the lienholder is deceased, the *Application for a Certified Copy of Title* (Form VTR-34) should be completed by the administrator or executor of the deceased lienholders estate (or by all heirs if no administration) and evidence of lawful authority (Letters of Administration, Letters Testamentary, Heirship Affidavit, etc.) should be attached to the Form VTR-34. Refer to the *Affidavit of Heirship for a Motor Vehicle* (Form VTR-262) to be used in these cases (refer to Chapter 16, "Operation of Law").

24.7 Verifiable Proof for Lienholders Applying for Certified Copies of Titles

Effective September 1, 2001, along with properly completed Form VTR-34, lienholders filing applications for certified copies of titles should provide the following required verifiable proof (see below).

Lost Titles

If the applicant is the lienholder (individual) and the lien has not been satisfied and the lienholder has lost the title, the required documentation for the individual lienholder is:

1. A completed signed *Application for a Certified Copy of Title* (Form VTR-34) along with applicable fees.
2. A photocopy of the "Acceptable Form of Current Identification" of the individual recorded as lienholder signing the Form VTR-34.

Agents of the Recorded Lienholders

If the applicant is a verifiable agent of the recorded lienholder, the required documentation is:

1. A completed signed *Application for a Certified Copy of Title* (Form VTR-34) along with applicable fees.
2. A photocopy of the "Acceptable Form of Current Identification" of the verified agent of the recorded lienholder signing the *Application for a Certified Copy of Title* (Form VTR-34).
3. A letter of signature authority on original letterhead authorizing the recorded lienholder agent to sign the *Application for a Certified Copy of Title* (Form VTR-34), a business card of the recorded lienholder agent, or a photocopy of the recorded lienholder agent's employee ID.

Agents Letter of Signature

If the applicant is a verified agent of the recorded lienholder, who has filed with the department a copy of the business contract and a blanket letter of signature authority on original letterhead stating that specific employees of the named service provider are authorized to act on behalf of the lienholder, the additional required documentation is:

1. A completed signed *Application for a Certified Copy of Title* (Form VTR-34) along with applicable fees.
2. A copy of the recorded lienholder's letter of signature authority stating that specific employees of the service provider are authorized to act on behalf of the lienholder.
3. A photocopy of the "Acceptable Form of Current Identification" of the verified agent of the recorded lienholder signing the *Application for a Certified Copy of Title* (Form VTR-34).

Note: Lienholders who contract with a service provider to process title work on their behalf are required to provide a Letter of Signature Authority authorizing specific employees of the service provider to act on behalf of the lienholder, and a copy of the business agreement between them, to be kept on file with the department. Copies of the business contract and letter of signature authority forward to each TxDMV Regional Service Center.

Transfers of Equity

Due to transfer of equity (purchase of security agreement), the purchasing lienholder did not file for corrected title to record their lien. Title has been lost and recorded lienholder is either out of business or not cooperating and the applicant is a verified agent of the purchasing lienholder, the required verifiable proof documentation is:

1. A completed signed *Application for a Certified Copy of Title* (Form VTR-34) along with applicable fees.
2. A copy of the Transfer of Equity Agreement signed and dated by both the recorded lienholder and purchasing lienholder.
3. A letter of signature authority from the purchasing lienholder on original letterhead authorizing the purchasing lienholder agent to sign the *Application for a Certified Copy of Title* (Form VTR-34).
4. A business card of the purchasing lienholder agent, or a photocopy of the purchasing lienholder agent's employee ID.
5. A photocopy of the "Acceptable Form of Current Identification" of the verified agent of the purchasing lienholder signing the *Application for a Certified Copy of Title* (Form VTR-34).

Power of Attorney Applicants

If the applicant is POA for the individual or verified agent of the business appointed POA, the required documentation is:

1. A completed signed *Application for a Certified Copy of Title* (Form VTR-34) along with applicable fees.
2. The POA signed by the individual recorded lienholder or verified agent of the business recorded lienholder and the purchasing lienholder (original or photocopy is acceptable).
3. A photocopy of the "Acceptable Form of Current Identification" for the individual signing the POA for the individual, business-recorded lienholder, or purchasing lienholder.
4. If an individual has POA, a photocopy of the a"Acceptable Form of Current Identification" of the individual signing the *Application for a Certified Copy of Title* (Form VTR-34).
5. If a business has POA, a letter of signature authority on letterhead, a business card, or a photocopy of the employee's ID, and a copy of the "Acceptable Form of Current Identification" of the business agent signing the *Application for a Certified Copy of Title* (Form VTR-34).
6. Any additional documentation required for the specific scenario as applicable.

24.8 Business Owner(s) of Record/Verified Agent of Business

If the applicant for a certified copy of title is a verified agent of a business owner of record the required documentation is:

1. A completed and signed *Application for a Certified Copy of Title* (Form VTR-34), along with applicable fees.
2. A photocopy of the "Acceptable Form of Current Identification" of the verified agent of the business owner of record signing the *Application for a Certified Copy of Title* (Form VTR-34).
3. A letter of signature authority from the business owner of record on letterhead authorizing the agent to sign the *Application for a Certified Copy of Title* (Form VTR-34) on behalf of the business, a business card of the agent, or a photocopy of the agent's employee ID.
4. If the record indicates a lien, a release of lien on original letterhead from the recorded lienholder.

Power of Attorney

If the applicant is POA for the business owner of record and the person signing the *Application for a Certified Copy of Title* (Form VTR-34) is an individual or verified agent of the business appointed POA, the required documentation is:

1. A completed and signed *Application for a Certified Copy of Title* (Form VTR-34) along with applicable fees.
2. The POA signed by the verified agent of the business owner of record.
3. A photocopy of the "Acceptable Form of Current Identification" for the verified agent of the business owner of record signing the *Application for a Certified Copy of Title* (Form VTR-34).
4. If an individual has POA, a photocopy of the "Acceptable Form of Current Identification" of the individual signing the *Application for a Certified Copy of Title* (Form VTR-34).
5. If a business has POA, a letter of signature authority on letterhead, a business card, or a copy of the employee's ID, and a photocopy of the "Acceptable Form of Current Identification" of the business agent signing the *Application for a Certified Copy of Title* (Form VTR-34).
6. Any additional documentation required for the specific scenario, as applicable.

24.9 Vehicles Titled in the Name of a Trust

If a vehicle is titled in the name of a trust, only the person named as trustee in the Trust Agreement may sign an *Application for a Certified Copy of Title* (Form VTR-34). In these cases, the *Application for a Certified Copy of Title* (Form VTR-34) should be supported by one of the following:

- An Affidavit of Trust, or
- A Statement of Fact for a Trust.

Individual Trustees

If the applicant is an individual trustee for an individual trust (Example: Joe Smith, Trustee, for John Noah Trust) or business trust (Example: Joe Smith, Trustee, for Workers Lease). The required documentation is:

1. A completed and signed *Application for a Certified Copy of Title* (Form VTR-34), along with the applicable fees.
2. One of the following:
   - An Affidavit of Trust, or
   - A Statement of Fact for a Trust.

Business Trustees for Individual Trusts

If the person signing the *Application for a Certified Copy of Title* (Form VTR-34) is a business trustee for an individual trust (Example: STL Savings, Trustee for John Noah Trust) or business trust (Example: STL Savings, Trustee, for Workers Lease). The required documentation is:

1. A completed and signed *Application for a Certified Copy of Title* (Form VTR-34), along with applicable fees.
2. Either an Affidavit of Trust or a Statement of Fact for a Trust as referenced in Individual Trustees.
3. A letter of signature authority from the business trustee for the individual or business trust of owner of record on letterhead authorizing the agent to sign the *Application for a Certified Copy of Title* (Form VTR-34), a business card of the agent, or a copy of the agent's employee ID.
4. A photocopy of the "Acceptable Form of Current Identification" of the verified agent of the business trustee for the individual or business trust owner of record signing the *Application for a Certified Copy of Title* (Form VTR-34).

24.10 Retention of Documentation Returned

The department destroys certified copies of title issued by a TxDMV Regional Service Center returned as undeliverable by the U.S. Post Office.

24.11 Certified Copy of Title Denial Alternatives

If issuance of certified copy is denied, the applicant may resubmit the request with the required verifiable proof.

The applicant may pursue the appeal privileges available in Chapter 8, Section 8.2 Tax Assessor Collector Hearing.

As an alternative to an appeal at a tax collector's hearing, an applicant may pursue the bonding privileges available in Chapter 8, Section 8.3 Bonded Title.

24.12 Title Transfers Involving Fraudulent/Questionable Certified Copies of Title

According to the Texas Department of Public Safety (DPS), there has been an increase in the amount of titles that are transferred with certified copies of titles that were obtained by fraudulent means without the owner's consent.

VIN Inspections

These situations are normally discovered when the actual owner attempts to renew the registration and the actual owner's record has been superseded due to a later title transfer. In these cases, an inspection of the vehicle identification number (VIN) is necessary.

The county tax assessor-collector's office, TxDMV Regional Service Center, or a law enforcement agency perform the VIN inspection.

1. If the inspection is performed at the county, the county completes a statement of fact showing the VIN, year, make, owner, and date of inspection with a sentence indicating that the VIN matches the VIN of the vehicle record. Upon completion of the VIN inspection, instruct the customer that the Regional Service Center now orders a title history for the vehicle and contacts them later regarding further action if required.

2. Vehicle inspection can also be performed by some law enforcement agencies. If inspection is done by law enforcement, the agency representative performing the inspection should sign the bottom portion of *Law Enforcement Identification Number Inspection* (Form VTR-68-A). The customer submits the *Law Enforcement Identification Number Inspection* (Form VTR-68-A) to the Regional Service Center. If a title history has not previously been ordered on the vehicle in question, the Regional Service Center orders a title history.

3. If a VIN inspection has not been performed at either the county or by a law enforcement agency, the Regional Service Center conducts an inspection of the VIN.

4. If a customer visits a Regional Service Center about a vehicle that is no longer registered or titled in their name or documentation is received from the county documenting the lack of proper registration or title, the Regional Service Center immediately orders a title history on the vehicle in question. Upon receipt of the title history, the Regional Service Center determines if the vehicle was transferred to a new owner using a certified copy of title as evidence of ownership supposedly signed by the true owner of the vehicle.

Questionable Certified Copies of Title

The title history may reveal that a fraudulent or questionable certified copy of title was surrendered to transfer the title for the current record in the system. The certified copy of title is questionable because it was supposedly signed by the owner of the vehicle who is the customer that has possession of the vehicle. If the VIN on the vehicle matches the VIN on the title and on the *Law Enforcement Identification Number Inspection* (Form VTR-68-A), the Regional Service Center notifies TCS to place a legal restraint on the vehicle record and notify the prior owner. TCS will contact VDM to reinstate the true owner's title record and record the notation "VIN IN ERROR" on the later title record.

The Regional Service Center contacts the owner if the inspection was performed at the county or law enforcement agency to instruct them that registration can be obtained when the record has been reinstated. The Regional Service Center notifies the county of the results of the investigation.

DPS SIS Investigation

The Regional Service Center also notifies DPS Special Investigations Section (SIS) about this title problem/situation. Notifications can be sent to the following address:

Texas Department of Public Safety

Criminal Investigations Division

Special Investigations Section (SIS) - Major

P.O. Box 4087, Austin, Texas 78773.

Notification should include a printout of the vehicle in question, a copy of the title history for the vehicle, a copy of the customer's title reflecting their ownership, and a statement that the inspection is due to the issuance of a possible fraudulent/questionable certified copy of title used as evidence for a title transfer.

DPS SIS conducts an investigation regarding the fraudulent/questionable certified copy of title used to complete the title transaction. The Regional Service Center retains the file containing the paperwork on the questionable certified copy of title until contacted by DPS SIS regarding the results of their investigation. If the Regional Service Center is instructed to revoke the title issued due to the title transfer supported by the fraudulent certified copy of title, the Regional Service Center mails the file to the Title Control Systems (TCS) Section for revocation of title.

Errors

If the title history reveals that the title was transferred due to a human error such as the incorrect VIN or license plate number being accessed during the transfer, the customer must then bring their vehicle and ownership documents (title, receipt for application of title, and/or registration receipt) to the Regional Service Center for inspection if an inspection has not been performed at the county or by a law enforcement agency.

If the VIN on the vehicle matches the VIN on the owner's title, the Regional Service Center notifies Austin Headquarters to reinstate the title record and place a "VIN IN ERROR" on the subsequent title record. After the record is reinstated, the owner can renew vehicle registration through their county tax assessor-collector's office. If the vehicle inspection was performed at the county or law enforcement agency, the Regional Service Center notifies them that once the vehicle record is reinstated, vehicle registration can be obtained at the county. The Regional Service Center also notifies the county regarding the reinstatement of the title record.

Stolen Notices

Refer to Titles Marked Stolen under Chapter 21, Section 21.2 Record of Stolen or Concealed Motor Vehicle.

24.13 CCO Requests for Electronic Lien Records

A Paper Release of Lien is Not Acceptable

A CCO should not be issued for a vehicle with an active ELT on record regardless if the requestor is the owner of record or an authorized third party. E-lienholders are required, as part of their Service Level Agreement with the department, to electronically release all liens filed with the department. Customers need to contact their lending institution that holds the electronic lien and request an electronic release. Once the ELT is released, a paper title will automatically be generated and mailed to the owner address on file. If the electronic release is due to a refinance, trade in, or insurance payout, the paper title will be sent directly to the third party recipient (e.g. Lender, Dealer, Insurance Company, etc.).

Prior ELT Records Released to a Third Party

As of February 13, 2012, when an e-lienholder releases an ELT, a paper title is printed. There are two ways to identify if a record showing PAPER TITLE was previously an ELT:

1. The Document Number beings with ‘286’, and
2. The remark “E-TITLE PRINT DATE: [MM/DD/YYYY].”

An e-lienholder may release an e-title to print to the owner on record, or a third party. In these circumstances, the record is identified in the manner described above; however, for a third party release, page 2 of Form 500, *Electronic Title Lien Release Evidence* contains a “c/o third party name” (care of).

When processing a CCO application for a record that displays a “C/O” on page 2 of Form 500, *Electronic Title Lien Release Evidence* from an individual **who is not** the third party or a representative of the third party, the CCO should not be immediately issued. Austin Headquarters must be contacted for further research.

When processing a CCO application for a record that displays a “C/O” on page 2 of Form 500, *Electronic Title Lien Release Evidence* for an individual **who is** the third party or a representative of the third party, the CCO can be issued 14 calendar days after the E-Title Print Date.

Chapter 25

MOTOR VEHICLE DEALERS

This chapter contains the following sections:

- ***25.1*** Definitions and General Information
- ***25.2*** Duty of Vehicle Dealer on Sale of Certain Vehicles
- ***25.3*** Requirement for Motor Vehicle Dealers
- ***25.4*** Dealer's Reassignment of Title for a Motor Vehicle (Form VTR-41-A)
- ***25.5*** Export Only Requirements and Procedures
- ***25.6*** Processing Title Transactions Involving Dealer Bankruptcy

25.1 Definitions and General Information

Transportation Code Section 501.002 (3)

"Dealer" means a person who regularly and actively buys, sells, or exchanges vehicles at an established and permanent location. The term includes a franchised motor vehicle dealer, and independent motor vehicle dealer, an independent mobility motor vehicle dealer, and a wholesale motor vehicle dealer.

Definitions

A dealer means any person, firm, or corporation regularly and actively engaged in the business of buying, selling, or exchanging motor vehicles at an established and permanent place of business and to whom a Texas Dealer License has been issued.

The term "dealer" includes:

- Franchised motor vehicle dealer.
- Independent motor vehicle dealer.
- Independent mobility motor vehicle dealer.
- Wholesale motor vehicle dealer.
- Motorcycle dealer.
- House trailer dealer.
- Trailer or semitrailer dealer.

A franchised motor vehicle dealer is a dealer doing business under a franchise in effect with a motor vehicle manufacturer or distributor.

An independent (or non-franchised) motor vehicle dealer is a dealer other than a franchised or wholesale motor vehicle dealer.

An independent mobility motor vehicle dealer is a non-franchised dealer who:

- holds a general distinguishing number and a converter's license
- is engaged in the business of buying, selling, or exchanging mobility motor vehicles and servicing or repairing
- is certified by the manufacturer of each mobility device that the dealer installs, if the manufacturer offers that certification.

An independent mobility motor vehicle dealer may not sell or offer to sell a new motor vehicle other than a new mobility motor vehicle, as defined in Occupations Code §2301.002(20-a). An independent mobility motor vehicle dealer may sell or arrange for the sale and delivery of a new mobility motor vehicle to a purchaser at the independent mobility motor vehicle dealer's place of business if the transaction occurs through or by a franchised dealer of the motor vehicle's chassis line make.

A wholesale motor vehicle dealer is a dealer who sells motor vehicles only to a person who is:

- The holder of a dealer's general distinguishing number (P#) or
- A foreign dealer authorized by a law of this state or interstate reciprocity agreement to purchase a vehicle in this state without remitting the motor vehicle sales tax.

Licensing

Dealers are licensed through the Motor Vehicle Division of TxDMV. A person, firm, or corporation may not engage in business as a dealer without a general distinguishing number (GDN) in one of the seven categories. (Sample GDN: P5870)

A GDN is required if a person sells five or more motor vehicles during the calendar year.

Motor vehicle and motorcycle dealers are permitted to sell any type of vehicle for which the dealer is licensed. These dealers are required to be bonded or licensed with the Motor Vehicle Division (MVD).

Travel trailer and trailer/semitrailer dealers are licensed but not bonded through MVD. These dealers are permitted to sell all types of trailers but not motor vehicles or motorcycles. Travel trailer and trailer/semitrailer dealers are identified by an "X" suffix in the dealer's GDN number.

A Texas dealer cannot legally transfer an unregistered new or used vehicle in this state without a valid GDN issued by the Motor Vehicle Division.

Only franchised dealers may transfer a new vehicle on a Manufacturer's Certificate of Origin (MCO).

Non-franchised dealers are not licensed to sell new vehicles and may not title a new vehicle for "resale purposes only." If they buy a new vehicle from a franchised dealer, the franchised dealer must title and register the vehicle for the non-franchised dealer as this is a retail transaction and a non-franchised dealer may not buy new vehicles from franchised dealers on a wholesale basis.

Licensing Inquiries

Any questions relating to the licensing requirements for motor vehicle dealers should be referred to the Motor Vehicle Division (MVD), Licensing Section. Inquiries regarding enforcement/violations for licensed motor vehicle dealers should be referred to the Enforcement Division.

Vehicle Sales

Upon the sale of a motor vehicle, a licensed Texas dealer is required to complete and file all documents necessary to transfer title to the motor vehicle and/or register the motor vehicle in the name of the purchaser. Additionally, the dealer must collect and remit any applicable sales tax and title and registration fees to the county tax assessor-collector's office where the vehicle was bought, is encumbered, or the purchaser (owner) resides, as directed by the purchaser on the *County of Title Issuance* (Form VTR-136)**.** Exceptions to the dealer filing requirement are:

- salvage and nonrepairable vehicles;
- sales to out of state residents;
- sales to out of state or foreign dealers;
- vehicles sold to exempt agencies;
- trucks over 11,000 lbs. gross weight;
- trailers weighing 4,000 lbs or less; and
- farm trailers and semi trailers between 4,000 lbs and 34,000 lbs.

In the case of used Texas titled vehicles, a dealer may not secure registration in the dealer's name without filing an application for Texas title.

Note: Dealers are responsible for filing all paperwork for trailers/semitrailers in excess of 34,000 lbs GVW even if the trailer/semitrailer are for farm use.

Title Assignment

A Texas dealer license number is required on all assignments and reassignments of Manufacturer's Certificates of Origin (MCOs) except on assignments executed out of state and under conditions set forth in Chapter 503.024(c). The selling dealer's name shown on the assignment must agree with the dealer's name as it appears on the dealer license.

A Texas dealer license number shown next to the name of an individual constitutes a firm's name, and no authority is required for an agent to sign for such individual. The dealer's name on each reassignment must agree with the name on his dealer license. If the dealer's name on an assignment does not agree with his dealer license, he may correct the name when he executes the reassignment of title by showing the incorrect name followed by the letters DBA (doing business as) and the correct dealership name. For example, if the title is assigned to "Joe Doaks" and the correct dealership name is "J D Auto Sales", the name of the seller on the reassignment of title should show "Joe Doaks DBA J D Auto Sales". In addition, an affidavit is required from the dealership certifying that the person named on the assignment is a valid agent/employee of the dealership.

The name of seller on the first assignment on the back of a MCO must be the same as the purchaser's name on the face of the certificate.

The assignment must show:

- Business (company) name and signature of agent or owner.
- Date of sale.

Non-franchised (NF) Dealers

Non-franchised (NF) dealers are licensed to sell only used vehicles.

They may not reassign a Manufacturer's Certificate of Origin (MCO). The franchised dealer must title and register the vehicle for the NF dealer as this is a retail transaction and a NF dealer may not buy new vehicles from franchised dealers on a wholesale basis. A NF dealer may not title a new vehicle for "resale purposes only."

They are not required to title or register a used vehicle in the dealership's name before assigning the vehicle to a subsequent purchaser; however, if the dealer wants to register any vehicle, the dealer must file an application for Texas title.

They may transfer only used vehicles to another dealer. The transaction may extend through a series of dealers by the use of the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) after all available assignment spaces on the certificate of title have been used. This does not apply to out of state titled vehicles. Texas dealers may choose to use a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) instead of an out of state title assignment.

Franchised Dealers

Franchised Dealers may reassign a Manufacturer's Certificate of Origin (MCO) only if licensed to sell that "make" of vehicle.

They may not assign an MCO to another Texas dealer unless that dealer is licensed to sell that make of vehicle. If the purchasing dealer is a franchised dealer of another "make" of vehicle or a non-franchised dealer, the selling franchised dealer must file all documents necessary to apply for title and registration in the name of the purchasing dealer.

Additional assignments on a MCO may be used only by franchised dealers to transfer ownership of a new vehicle.

After all available assignment spaces on the Manufacturer's Certificate of Origin have been used, a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) may be used by the franchised dealer.

All assignments of MCO executed by Texas dealers must include an odometer statement showing the mileage appearing on the vehicle's odometer at the time of transfer. MCOs not including a Federal odometer statement must have a separate odometer statement completed. (Refer to Chapter 15, "Odometers".)

25.2 Duty of Vehicle Dealer on Sale of Certain Vehicles

Transportation Code Section 501.0234

(a) A person who sells at the first or a subsequent sale a motor vehicle and who holds a general distinguishing number issued under Chapter 503 of this code or Chapter 2301, Occupations Code, shall:

(1) except as provided by this section, in the time and manner provided by law, apply, in the name of the purchaser of the vehicle, for the registration of the vehicle, if the vehicle is to be registered, and a title for the vehicle and file with the appropriate designated agent each document necessary to transfer title to or register the vehicle; and at the same time

(2) remit any required motor vehicle sales tax.

(b) This section does not apply to a motor vehicle:

(1) that has been declared a total loss by an insurance company in the settlement or adjustment of a claim;

(2) for which the title has been surrendered in exchange for:

(A) a salvage vehicle title or salvage record of title issued under this chapter;

(B) a nonrepairable vehicle title or nonrepairable vehicle record of title issued under this chapter or Subchapter D, Chapter 683; or

(C) an ownership document issued by another state that is comparable to a document described by Paragraph (A) or (B):

(3) with a gross weight in excess of 11,000 pounds; or

(4) purchased by a commercial fleet buyer who:

(A) is a deputy authorized by rules adopted under Section 520.0071;

(B) utilized the dealer title application process developed to provide a method to submit title transactions to the county in which the commercial fleet buyer is a deputy; and

(C) has authority to accept an application for registration and application for title transfer that the county assessor-collector may accept.

(c) Each duty imposed by this section on the seller of a motor vehicle is solely that of the seller.

(d) A seller who applies for the registration or a title for a motor vehicle under Subsection (a) (1) shall apply in the county as directed by the purchaser from the counties set forth in Section 501.023.

(e) The department shall develop a form or electronic process in which the purchaser of a motor vehicle shall designate the purchaser's choice as set out in Section 501.023 as the recipient of all taxes, fees, and other revenue collected as a result of the transaction, which the tax assessor-collector is authorized by law to retain. A seller shall make that form or electronic process available to the purchaser of a vehicle at the time of purchase.

(f) A seller has a reasonable time to comply with the terms of Subsection (a) (1) and is not in violation of that provision during the time the seller is making a good faith effort to comply. Notwithstanding compliance with this chapter, equitable title to a vehicle passes to the purchaser of the vehicle at the time the vehicle is the subject of a sale that is enforceable by either party.

As of January 1, 1996, a vehicle with a Salvage Certificate or Nonrepairable Vehicle Certificate Title issued pursuant to the Certificate of Title Act, a *Certificate of Authority to Dispose of a Motor Vehicle to a Demolisher for Demolition, Wrecking or Dismantling Only* (Form VTR 71-3) (issued prior to October 1, 2007)**,** or a vehicle that has been declared a total loss by an insurance company, is no longer considered a "motor vehicle" for tax purposes. This also includes a vehicle that has a similar ownership document issued from another state. Purchases of these vehicles are subject to state and local sales

and use taxes. Sellers must secure a limited sales tax permit and comply with the Limited Sales, Excise and Use Tax Act. Once a previously damaged vehicle has been rebuilt and is eligible to receive a regular motor vehicle title, all subsequent sales are again subject to motor vehicle sales tax.

25.3 Requirement for Motor Vehicle Dealers

Upon the sale of a motor vehicle by a licensed Texas motor vehicle dealer, the selling dealer is required to complete and file all documents necessary to transfer title to the motor vehicle and/or register the motor vehicle in the name of the purchaser. Additionally, the dealer must collect and remit any applicable sales tax to the county tax assessor-collector's office where the vehicle was bought, where the vehicle is encumbered, or where the owner (purchaser) resides as directed by the purchaser on a *County of Title Issuance* (Form VTR-136).

Motor Vehicle Definition

Transportation Code Section 501.002 (17)

"Motor vehicle" means:

(A) Any motor driven or propelled vehicle required to be registered under the laws of this state;

(B) A trailer or semitrailer, other than manufactured housing, that has a gross vehicle weight that exceeds 4,000 lbs;

(C) A travel trailer;

(D) An all-terrain vehicle or a recreational off-highway vehicle, as those terms are, as defined by Section 502.001, designed by the manufacturer for off-highway use that is not required to be registered under the laws of this state; or

(E) A motorcycle, motor-driven cycle, or moped that is not required to be registered under the laws of this state.

Exceptions to Motor Vehicle Definition include:

- salvage and nonrepairable vehicles;
- sales to out of state residents;
- sales to out of state or foreign dealers;
- vehicles sold to exempt agencies;
- trucks over 11,000 lbs. gross weight; and
- trailers or semitrailers with a gross vehicle weight of 4,000 lbs or under.

Sales Tax

Any questions relating to the applicability, collection or remittance of any applicable sales tax should be referred to the Texas Comptroller of Public Accounts.

A dealer may be required by its lending institution to obtain a Texas Certificate of Title in order to **r**ecord a lien on a vehicle purchased for resale. In this situation, the dealer may title the vehicle without paying tax. However, the vehicle must be held exclusively for resale and not for business or personal use. If a dealer drives the vehicle for personal use, they must either put metal dealer plates on the vehicle or title and register it in their name.

A dealer who elects to title a vehicle for reasons other than to record a lien on a vehicle purchased for resale is liable for tax based on the purchase price. A dealer is not eligible to pay gift tax on a vehicle that a dealer purchases or accepts as a trade-in.

Proof of Insurance

Effective May 28, 1999, licensed Texas motor vehicle dealers are no longer required to provide proof of financial responsibility when a dealer is applying for title and registration in the name of the purchaser.

County of Title Issuance

Effective September 1, 2005, a licensed Texas dealer must provide a purchaser of a motor vehicle with the *County of Title Issuance* (Form VTR-136) at the time of purchase. (Refer to Transportation Code Section 501.023)

The *County of Title Issuance* (Form VTR-136) allows the purchaser to designate where the dealer files the documents necessary to transfer title and/or register the motor vehicle. The purchaser may select the county:

- Where the vehicle was purchased,
- Where the vehicle is encumbered, or
- Where the purchaser resides.

The original form, executed by the purchaser must be retained in the motor vehicle dealer's records. Some Tax Assessor-Collector's offices may require a photocopy of this form to be submitted with the Title Application package.

Identification Requirements

Reference Chapter 6, Section 6.3 Personal Identification Information for Obtaining Title.

An applicant for title or initial registration must present an acceptable form of ID to the dealer. A dealer or their employee must visually check the ID to verify owner information.

Licensed Texas dealers are not required to submit a copy of the ID to the county tax assessor-collector's office, but are required to retain a copy of the ID in their purchase and sales records. Dealers not licensed in Texas are required to present a copy of the applicant's ID to the county tax assessor-collector's office.

25.4 Dealer's Reassignment of Title for a Motor Vehicle (Form VTR-41-A)

An owner (not a Texas licensed dealer) whose name appears as the purchaser on the first assignment, on "reassignment by dealer," or on a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) must secure title before proceeding to transfer ownership of the motor vehicle.

The *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) has been designed exclusively for use by licensed dealers. All reassignments must be in consecutive order, regardless of whether they are executed on the back of the title or on a separate *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

Note: *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) may only be used with Texas titles issued prior to April 29, 1990, or titles that do not conform to the federal Truth in Mileage Act requirements (non-conforming).

A licensed dealer may only use *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) to reassign a vehicle after the dealer has taken assignment of the vehicle on the original or duplicate. A dealer may use *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) even if all reassignments on the title are not complete. If a dealer uses a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) when open reassignments remain available on a certificate of title, the dealer must write in the next available reassignment on the title "REASSIGNMENT ON ########" where ######## represents the control number of the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A). This applies to Texas and out of state certificates of title.

If a Texas Certificate of Title is issued in the name of a licensed dealer, the dealer must use the assignment on the back of the title to transfer ownership. The first retail purchaser must secure title in the purchaser's name.

No dealer may use a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) unless he has a current Texas dealer license. The dealer number must be shown in its proper place on the form.

Only a licensed franchised dealer may reassign a MCO.

All reassignments on the title and the reassignments on the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) shall be executed in ink or typed.

A statement of fact must be secured for any alteration or erasure on the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A). (Refer to Chapter 7, "Corrections")

The *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) must be used on titles for all vehicles that are not exempt from the odometer disclosure requirements.

Note: Other requirements applicable to assignments of title are as follows:

- On repossessions from a recorded lien, the lienholder must use the first assignment on the certificate of title. A lienholder that is a dealer cannot, in this case, use a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).
- On repossessions from a security agreement (lien not recorded on title), the lienholder (dealers included), in all cases, must file application and receive title in the lienholder's name before proceeding to transfer. (Refer to Transportation Code Section 501.074.)

- The purchaser, as shown on a Sheriff's, Constable's, or U. S. Marshal's Bill of Sale, Mechanic's or Storage Lien Bill of Sale, or Auction Sales Receipt for an abandoned vehicle, must secure title in their name. However, if the purchaser is a dealer, the purchaser may use the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) or assign the title.

Vehicles Sold for Export Only

Effective April 1, 2002, the department's rules require Texas licensed dealers to stamp "FOR EXPORT ONLY" on the front of the title and on all unused reassignments on the back of titles for vehicles sold to foreign dealers or foreign residents for export out of the country.

If all reassignment spaces on the title document have been used and a *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A) is used, dealers stamp the front and back of the title document and all unused assignments on the *Dealer's Reassignment of Title for a Motor Vehicle* (Form VTR-41-A).

Title transactions supported by title documents indicating sales that occurred on and after April 1, 2002, between Texas licensed dealers and either foreign dealers or foreign residents must be **stamped** "FOR EXPORT ONLY."

If title transactions are not stamped "FOR EXPORT ONLY," the county tax assessor-collector's offices should process the transactions, provided the surrendered documentation includes foreign evidence of ownership that has been properly assigned to the title applicant. Otherwise, the transaction should be rejected for proper evidence of ownership, or the applicant may pursue either a tax collector's hearing or bonded title.

Copies of the front and back of the title and associated transfer documents that are either stamped or not stamped "FOR EXPORT ONLY" should be forwarded to the Title Control Systems Branch (TCS) for further disposition. These copies should be placed in an envelope labeled "For Export Only" and submitted as special handling to TCS. TCS then forwards that envelope to the Enforcement Division.

In the event a title is stamped in error with the "FOR EXPORT ONLY" stamp, the dealer must apply for title in the dealership name. The dealer must include a statement of fact explaining why the sale of the vehicle to the foreign dealer or foreign resident, as indicated on the title reassignment, was canceled.

Note: Different export only procedures apply for salvage/nonrepairable vehicles sold for export only. Refer to the `TxDMV Salvage/Nonrepairable Motor Vehicle Manual` **for additional dealer requirements.**

25.5 Export Only Requirements and Procedures

Table 25-1 Export Only Requirements and Procedures

	Regular (not Salvage) Motor Vehicles
Administering Division	Enforcement Division
Authority	Texas Administrative Rule: §43 TAC §215.147
Applies To	Licensed Texas Motor Vehicle Dealers selling "**blue titled**" motor vehicles to buyers that hold a foreign motor vehicle dealer license or foreign residents.

	Regular (not Salvage) Motor Vehicles
Requirement of Sellers	Licensed motor vehicle dealer must: • Stamp title with "FOR EXPORT ONLY" and dealer number (P#) and Verify the validity of the buyer's foreign motor vehicle dealer license, if applicable.
Restrictions	Foreign buyer must: • Remove the motor vehicle from the United States, and title or register the motor vehicle in a foreign jurisdiction prior to importing it back to the U.S. (See Chapter 19, "Imported Vehicles" on Imported Vehicles.) After the above requirements are met, the motor vehicle may be: • Retitled and Reregistered in Texas.
Sales Reported To VTR	No
"Export Only" On Motor Vehicle Records	No
Stamped in Error Procedures	The motor vehicle dealer who stamped the title in error must apply for a title in the dealer's name. Along with the application filed with the county tax assessor-collector's office, the dealer must include: • The incorrectly stamped title document; • A statement of fact explaining why the assignment to the foreign dealer or foreign purchaser was cancelled; • A copy of the seller's current dealer license; and • The appropriate $28/$33 application fee.
Lost Title "for Export Only"	A Certified Copy of the title may be issued.
Innocent Purchaser Procedures	The county tax assessor-collector's office should **reject** the transaction if: • The assignment/reassignment on the Texas title indicates a sale between a licensed Texas Motor Vehicle Dealer and a foreign dealer or foreign resident; and • The title is or is not stamped "FOR EXPORT ONLY." **Note: The counties have been asked to submit a photocopy of the front and back of these transfer documents (stamped or unstamped) to VTR, who in turn forwards the copies to Enforcement for investigation).** The buyer must provide proper foreign evidence of ownership (i.e. a foreign title or registration document); or may pursue: • A Tax Collector's Hearing; • A Bonded title; or may • Obtain a valid court order.

25.6 Processing Title Transactions Involving Dealer Bankruptcy

When it is determined that a dealer has filed for bankruptcy or withheld taxes and/or title and registration fees, whoever discovers the dealer problem should notify the following offices as soon as possible:

- The local TxDMV Regional Service Center
- The Motor Vehicle Division at 1-800-687-7846
- The State Comptroller's Office at 1-800-252-1382.

When dealer problems such as these occur, the evidence of ownership for the motor vehicle may or may not be available. The following guidelines should be followed regarding the evidence of ownership:

Evidence of Ownership *Not* Available

If the customer does not have or cannot obtain the title to the vehicle purchased, the customer may proceed by:

- Obtaining a tax collector's hearing,
- Applying for a bonded title, or

- Seeking a court order to issue title.

Note: Prior to one of these three proceedings, the department cannot issue a new title to any customer who cannot present a properly assigned title to the vehicle at issue.

Payment of Fees

If the customer can provide adequate proof of payment of fees by presenting a sales contract with itemized title, registration and sales tax fees, title and registration may be issued without repayment of fees based upon an approval letter by a copy of the sales contract itemizing tax, title, and license.

- The State Comptroller's Office authorizes the county tax assessor-collector's office to waive repayment of the motor vehicle sales tax, if the customer's sales contract indicates that these payments were made to the dealer.
- The county tax assessor-collector's office does not retain their portion of the fees until fees are collected.
- Customers with expired dealer Buyer Tags may purchase 30-day permits in order to continue operating the vehicles prior to filing for title and registration.

Waiver of Fees

Transportation Code Section 520.003

(a) The department may adopt rules to administer this chapter, including rules that:

(1) waive the payment of fees if a dealer has gone out of business and the applicant can show that fees were paid to the dealer; and

(2) allow full and partial refunds for rejected titling and registration transactions.

(b) The department may collect from a person making a transaction with the department using the state electronic Internet portal project a fee set under Section 2054.2591, government code. All fees collected under this subsection shall be allocated to the department to provide for the department's cost associated with administering Section 2054.2591, Government Code.

Bankruptcy or Closure and Withheld Fees

When it is determined that a dealer has filed bankruptcy or withheld fees, counties should follow these procedures to process the transaction without collecting fees:

Texas Title – Expired Registration

1. Modify the record to reflect the correct expiration month and year.
2. Process the title through the Title Application Event in RTS removing all fees and exempting the sales tax.

Texas Title – Current Registration

Process the title transfer normally through the Title Application Event in RTS removing all fees and exempting the sales tax.

No Record

1. Process the title transfer using the current Title-Only procedures.
2. Provide the customer a *Temporary Tag* (Form VTR-24-SP) and issued license plates.
3. Complete *Tax Collector's Receipt for Texas Title Application/Registration/Motor Vehicle Tax* (Form VTR-31-RTS) with the following notation placed at the top of the form, "NOTE: DEALER BANKRUPTCY/DEALER CLOSED."
4. Indicate the correct month/year of expiration and plate number issued on the *Tax Collector's Receipt for Texas Title Application/Registration/Motor Vehicle Tax* (Form VTR-31-RTS).
5. Fax the *Tax Collector's Receipt for Texas Title Application/Registration/Motor Vehicle Tax* (Form VTR-31-RTS), along with the *Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax* (Form VTR-500-RTS) to the department at fax number (512) 465-4127. The department then updates the plate number and expiration month and year.
6. Once the system updates, issue a no-charge replacement sticker and mail to customer.

Chapter 26

MISCELLANEOUS

This chapter contains the following sections:

- ***26.1*** Definitions
- ***26.2*** Application of Subchapter
- ***26.3*** Register of Repairs
- ***26.4*** Register of Used Motor Vehicle Sales and Purchases
- ***26.5*** Replacement of Cylinder Block
- ***26.6*** Maintenance of Records
- ***26.7*** Criminal Penalty
- ***26.8*** Export-Only Salvage Comparison Chart

26.1 Definitions

Occupations Code Section 2305.001

In this subchapter:

(1) "Person" means an individual, corporation, or firm.

(2) "Repair" includes the rebuilding of a motor vehicle, the installation of a new or used part or accessory on a motor vehicle, and the performance of electrical work in connection with the repair of a motor vehicle. The term does not include a repair covered by Chapter 2304.

(3) "Used motor vehicle" includes a secondhand motor vehicle.

(4) "Motor vehicle" has the meaning assigned by Section 501.002, Transportation Code.

(5) "Board" means the board of the Texas Department of Motor Vehicles.

(6) "Department" means the Texas Department of Motor Vehicles.

26.2 Application of Subchapter

Occupations Code Section 2305.002

This subchapter applies to any person who:

(1) operates a shop or garage that is engaged in the business of repairing motor vehicles; or

(2) engages in the business of purchasing or selling used motor vehicles in this state.

26.3 Register of Repairs

Occupations Code Section 2305.003

(a) A person subject to this subchapter shall maintain a register of each repair the person makes to a motor vehicle. The register must contain a substantially complete and accurate description of each motor vehicle that is repaired.

(b) This section does not apply to a repair having a value of $1 or less.

26.4 Register of Used Motor Vehicle Sales and Purchases

Occupations Code Section 2305.004

(a) A person subject to this subchapter shall maintain a register of each sale or purchase the person makes of a used motor vehicle.

(b) If the person buys a used motor vehicle, the register must contain:

(1) the make and model, the number of cylinders, the motor number, the vehicle identification number, and the passenger capacity of the motor vehicle, if applicable;

(2) the name, date of birth, usual place of address, and official identification number of each person claiming to be the owner of the motor vehicle; and

(3) the state registration number of the motor vehicle, if applicable.

(c) If the person sells a used motor vehicle, in addition to the requirements of Subsection (b), the register must contain the name and address of the purchaser of the motor vehicle.

26.5 Replacement of Cylinder Block

Occupations Code Section 2305.051

The owner of a motor vehicle registered under Chapter 502, Transportation Code, that has a damaged cylinder block replaced shall have the original engine number of the motor vehicle stamped with a steel die on the replacement cylinder block.

Record of Replaced Cylinder Block

Occupations Code Section 2305.005

The owner of the garage or repair shop that installs a replacement cylinder block and stamps the original engine number on the block as required by Section 2305.051 shall record in a substantially bound book:

(1) the name and address of the vehicle's owner; and

(2) the engine number and registration number of the vehicle.

26.6 Maintenance of Records

Occupations Code Section 2305.006

(a) All records required to be maintained under this subchapter shall be kept until at least the first anniversary of the date the record is made

(b) The registers required by Sections 2305.003 and 2305.004 shall be maintained in a clear and intelligent manner in a well-bound book or an electronic recordkeeping system and kept in a secure place in the office or place of business where the work is performed or the business is conducted.

26.7 Criminal Penalty

Occupations Code Section 2305.101

(a) A person commits an offense if the person violates this chapter or a rule adopted under this chapter.

(b) Except as provided by Subsection (c), an offense under this section is punishable by a fine of not less than $10 and not more than $100.

(c) An offense under this chapter that consists of the violation of Section 2305.007 is a Class A misdemeanor.

26.8 Export-Only Salvage Comparison Chart

Table 26-1 Export-only Motor Vehicle Sales: Comparison

	Salvage/Nonrepairable Motor Vehicles (damaged)	**Regular Motor Vehicles (undamaged)**
Administering Division	VTR	ENF
Applies to	Salvage Vehicle Dealers or governmental entities selling salvage or nonrepairable motor vehicles to a non-U.S. resident.	Licensed Texas Motor Vehicle Dealers selling “blue titled” motor vehicles to buyers that hold a foreign motor vehicle dealer license.
Requirement of Sellers	Seller (salvage vehicle dealer or governmental entity) must: • obtain Salvage or Nonrepairable Vehicle Title prior to sale; • obtain buyer’s certification on Form VTR-902; • obtain legible copy of buyer’s foreign ID; • maintain copies of the front and back of the stamped and assigned title; and • report the sale within 30 days to department.	Licensed motor vehicle dealer must: • stamp title with *For Export Only* and dealer # (P#) and • verify the validity of the buyer’s foreign motor vehicle dealer license; • If the buyer is a Mexican Motor Vehicle Dealer, the seller must, in addition to the above: • obtain a legible copy of Mexican buyer’s dealer license and the buyer’s ID; • maintain copies of the front and back of the stamped and assigned title for 3 years; and • complete a Motor Vehicle Sales Tax Exemption form and retain in sales file.
Restrictions	Foreign buyer must remove the salvage or nonrepairable motor vehicle from the United States. The salvage or nonrepairable motor vehicle <u>may never be</u>: retitled in the U.S.; re-registered in the U.S.; or operated on Texas public roads. Note: Court Order would be required to issue a Texas title.	Foreign buyer must: remove the motor vehicle from the United States, and title or register the motor vehicle in a foreign jurisdiction prior to importing it back to the U.S. The motor vehicle <u>may be</u>: retitled in Texas and re-registered in Texas.
Reporting of Sales Required	Yes	No
Motor Vehicle Records Marked	Yes	No

	Salvage/Nonrepairable Motor Vehicles (damaged)	Regular Motor Vehicles (undamaged)
Stamped in Error Procedures	The seller who stamped the title in error must apply for the appropriate salvage or nonrepairable document in their name. If the salvage document is issued in the seller's name, a certified copy of the Salvage or Nonrepairable Vehicle Title may be requested by submitting: • an *Application for a Certified Copy of a Texas Nonrepairable or Salvage Vehicle Title* (Form VTR-34-S); • the appropriate verifiable proof documentation; • the incorrectly stamped Nonrepairable or Salvage Vehicle Title; • a statement of fact from the salvage vehicle dealer or governmental entity explaining why the assignment to the foreign purchaser was cancelled; • a copy of the current Certificate of Salvage Vehicle Dealer or Salvage Vehicle Agent License issued by the VTR Special Plates Branch, if applicable; and • a $2 application fee. **Note**:If the incorrectly stamped ownership document is not available, a valid court order will be required in order to issue a certified copy of the Salvage or Nonrepairable Vehicle Title. If the seller was the seller in one of the salvage ownership document reassignments, the salvage vehicle dealer would need to apply for an original salvage ownership document by submitting: • a properly completed *Application for Salvage or Nonrepairable Vehicle Title* (Form VTR-441); • the incorrectly stamped Nonrepairable or Salvage Vehicle Title; • a statement of fact explaining why the assignment to the foreign purchaser was cancelled; • a copy of the current Certificate of Salvage Vehicle Dealer or Salvage Vehicle Agent License issued by the VTR Special Plates Branch, if applicable; and • the $8 application fee. • Note:If the incorrectly stamped ownership document is not available, a valid court order will be required in order to issue the Salvage or Nonrepairable Vehicle Title.	The selling motor vehicle dealer who stamped the title in error must apply for a title in the dealer's name. If the incorrectly stamped title is issued in the seller's name, a certified copy of the title may be requested by submitting: • a properly executed *Application for a Certified Copy of Title* (Form VTR-34); • the appropriate verifiable proof documentation; • the incorrectly stamped title document; • a statement of fact explaining why the assignment to the foreign purchaser was cancelled; • a copy of the seller's current dealer license; and • a $2 (mail) or $5.45 (walk-in) application fee. If the motor vehicle dealer was the seller in one of the title document reassignments, the dealer would need to apply for an original certificate of title through a county tax assessor-collector's office by submitting: • a properly completed *Application for Texas Title and/or Registration* (Form 130-U); • the incorrectly stamped title document; • a statement of fact explaining why the assignment to the foreign purchaser was cancelled; • a copy of the seller's current dealer license; and • the appropriate $28/$33 application fee.
Certified Copy Issuance: Export Only Stamped Title is Lost	If a Nonrepairable or Salvage Vehicle Title that was stamped "For Export Only" is lost, and the motor vehicle record indicates the "EXPORT ONLY" remark: • a certified copy of a Nonrepairable or Salvage Vehicle Title may not be issued; and • a valid court order will be required to remove the "EXPORT ONLY" remark to allow further issuance of Texas Rebuilt Salvage title documents. • A certified copy may only be issued when title was stamped in error (see above).	A Certified Copy of the title may be issued.

	Salvage/Nonrepairable Motor Vehicles (damaged)	Regular Motor Vehicles (undamaged)
Innocent Purchaser Procedures	• A valid court order will be required prior to issuance of a certificate of title to an innocent purchaser (United States resident) who purchases a nonrepairable or salvage motor vehicle that has been sold for export only (title is stamped or record is noted). • Examples of this situation include when an application for a Texas Certificate of Title is supported by a: 1. Nonrepairable or Salvage Vehicle Title, stamped "For Export Only;" 2. Foreign ownership document issued for the motor vehicle and the motor vehicle record indicates a "EXPORT ONLY" remark; or 3. The Texas motor vehicle record indicates a "EXPORT ONLY" remark. • Tax collector hearings or bonded titles are not available options in these instances. • Upon receipt of an appropriate court order, the export-only notation would be removed to allow processing of a Rebuilt Salvage Certificate of Title. • All subsequent certificates of title will also indicate the appropriate "REBUILT SALVAGE" remark. **Note:** The county tax assessor-collector's office should forward photocopies of the front and back of the associated transfer documents to local law enforcement for investigation and enforcement action	• The county tax assessor-collector's office should reject the transaction if: 1. the assignment/reassignment on the Texas title indicates a sale between a licensed Texas Motor Vehicle Dealer and a foreign dealer or foreign resident; and 2. the title is or is not stamped "For Export Only." Note: The counties have been asked to submit a photocopy of the front and back of these transfer documents (stamped or unstamped) to VTR, who in turn forwards the copies to MVD for investigation). • The buyer must provide proper foreign evidence of ownership (i.e. a foreign title or registration document); or may pursue: 1. a Tax Collector's Hearing; 2. a Bonded title; or may 3. obtain a valid court order.
Programming	The EXPORT ONLY remark is a "hard stop" to prevent further Texas title or registration issuance.	None

INDEX

A

Abandoned Vehicles 22 - 2
- Assignment of Title 9 - 3
- Disposal 22 - 12
- Disposal by Garagekeeper 23 - 13
- Garagekeepers 22 - 9
- In Coastal Waters 22 - 15
- Left in a storage facility 22 - 9
- Storage Charges 22 - 5
- Taken into Custody 22 - 5
- Towed 22 - 5

Address Confidentiality Program 6 - 7

Affidavit of Heirship 16 - 3
- Death Certificate 16 - 7
- Disinterested Person(s) 16 - 8

All-Terrain Vehicles (ATV) 14 - 14
- MCO 10 - 2
- Notation 6 - 3

Application for a Certified Copy of Title 24 - 2

Apprehended Vehicle 19 - 6

Assembly Procedures 2 - 6, 8 - 11

Assessor-Collector
- Bonded Transaction Assembly Procedures 8 - 11
- Duties 2 - 2
- Penalties 2 - 3
- Transaction Assembly Procedures 2 - 6

Assignment of Title 9 - 2
- Dealer 25 - 3
- Dealer's License Number 10 - 7
- From a manufacturer 10 - 2
- Manufacturer's Certificate of Origin (MCO) 10 - 7
  - Franchised Dealer to Franchise Dealer 10 - 2
- Merger 9 - 3

ATVs. See All-Terrain Vehicles (ATV)

Auction Sales Receipt 9 - 2, 9 - 3, 25 - 9

Autocycle 14 - 3

Automatic Title Issuance 6 - 16

B

Bankruptcy 16 - 11
- Receivership 16 - 12
- Record Lien 16 - 11

Bill of Sale 10 - 9, 25 - 9
- for Component Part of Junked Vehicle 13 - 3
- Government Bills of Sale 10 - 10
- Imported/Foreign Vehicle 19 - 3
- Judicial 9 - 2, 9 - 3, 16 - 16
- Lien on Component Part 12 - 7
- Mechanic's or Storage Lien 9 - 2
- Sheriffs, Constables, or U. S. Marshals 9 - 2, 9 - 3

Bonded Title
- County Processing 8 - 10
- Duplicate Bond 2 - 6
- Electronic Signatures 8 - 11
- For Suspended or Revoked Existing Titles 8 - 9
- Foreign/Imported Vehicles 19 - 9
- Ineligible for 8 - 6
- Liens 8 - 9
- Maintenance of 8 - 12
- Rejection Letter 8 - 10
- Requirements 8 - 6

Buses
- Weight Certificate 10 - 6

C

Certificate of Authority to Demolish a Motor Vehicle (COA) 22 - 13
- Vehicles Purchased at Auctions 23 - 34

Certificate of Title
- Act 1 - 1
- Act Effective Dates 5 - 2
- Alteration 21 - 5
- Applicability 1 - 2
- Application
  - Address 6 - 7
  - Empty Weight 18 - 9
  - FEIN/EIN 6 - 10
  - Identification 6 - 9
  - Insurance Company 6 - 12
  - Leased Vehicle 6 - 6
  - Lien 6 - 8, 12 - 4
  - Mexican Evidence 6 - 3
  - Missing Odometer Disclosure 15 - 4
  - Name/Signature 11 - 2
  - Place 6 - 8
  - Rejected 2 - 3
  - Social Security Number 6 - 12
  - Special Handling 6 - 8, 11 - 14
  - Stolen Remark 21 - 3
  - Stop Title 2 - 4, 6 - 17
  - VSF Storage Lien 23 - 21, 23 - 22
- Application Fee
  - Exempt 5 - 2, 20 - 4

Remittance 3 - 2
Assignment
Dealer License Number 25 - 3
Corrected Title 6 - 20
Deceased and Lost Title 16 - 5
Definition of 5 - 2
Duplicate Original 10 - 12
Effective Dates 1 - 1
Emissions Testing 8 - 13
Former Military Vehicle 14 - 17
Government Vehicles 5 - 6
History 5 - 1
Information for Each State 18 - 10
Issuance 6 - 15
Lost Transaction 2 - 6
Machinery 5 - 4
Minor 16 - 9
Name Change 16 - 19
New Residents 18 - 1
No Charge Correction 7 - 3
Odometer Disclosure Exemption 15 - 2
Odometer Error 15 - 6
Previous Owner 6 - 5
Reassignment 15 - 2
Record Superseded 7 - 7
Rejection
Appeal 8 - 3, 8 - 4
Retention of Documents 2 - 4
Repossession 16 - 14
Restricted Certificates of Title 18 - 3
Returned 6 - 20
Revoked 7 - 5, 8 - 9
Rights of Survivorship 17 - 2
Survivors 17 - 6
Rights of survivorship 17 - 2
Safety Responsibility 8 - 13
Statute 5 - 2
Suspended 8 - 9
Title Application Receipt 5 - 4
Title Error 7 - 4
Tractors 5 - 4
Transfer 16 - 2
Transferring from a Trust 16 - 10
Certified Copy of Title 24 - 2
Acceptable Form of Current Identification 24 - 4
Application 24 - 2
Authorized Agents 24 - 8
Deceased Owner 24 - 7
Duplicate CCO 24 - 3
Electronic Lien Title (ELT) 24 - 14
Fraud Involved 24 - 12
Heirship Affidavit 16 - 8
On Suspended Vehicle 8 - 14
Power of Attorney (POA) 24 - 5
Prior CCO Issued 7 - 5
Stolen Remark 21 - 2
Transfer of Equity 24 - 9
Trusts 24 - 10
Vehicle Record with Lien 24 - 6
Certified Lienholder 12 - 18
Civil Case 16 - 20
Commercial Vehicles
Manufacturer's Certificate of Origin 10 - 4
Component Parts
Lien 12 - 7
Three Basic 13 - 2
Confidentiality Program 6 - 7
Corrected Title 6 - 20, 7 - 2
Add Rights of Survivorship 17 - 3
Adjusting Weights 7 - 10
Applications for 6 - 3
Changing Classification 7 - 10
ELT Record 7 - 5
Lien 7 - 6, 12 - 6
Name Change 7 - 6
No Charge 7 - 3
No Transfer of Ownership 6 - 3
Odometer Error 15 - 6
Prior CCO Issued 7 - 5
Processing 7 - 3
Reassigned VIN 13 - 12
Stolen Remark 21 - 2
Switched Evidence 7 - 7
Titled to Non-titled 7 - 3
Vehicle Description 7 - 8, 7 - 9
County Administration 2 - 2
Court Order 9 - 3
Name Change 16 - 19
Needed to Establish Ownership 21 - 4
Release of Lien 12 - 16
Customer Inquiries 2 - 1

D

Dealer
Assignment 9 - 2
Assignment of MCO 10 - 7
Assignments of MCO 9 - 4
Dealer Bankruptcy 25 - 10
Dealer Register Used Vehicle 18 - 2
Definition 4 - 1, 25 - 1
Delinquent Transfer Penalty 3 - 4
Exemption 3 - 6
Document Requirements 25 - 6
Financial responsibility 25 - 7
Form VTR-41-A 25 - 4
Franchised 10 - 2, 25 - 2
License 25 - 2
License Number 10 - 7
on Assignment of Title 25 - 3
Mechanic's/Storage lien 25 - 9
Non-franchise 25 - 4
Odometer Statement 25 - 4
Person or agent signs for 11 - 5
Reassignment 25 - 7
Repossession 25 - 8
Sales Tax 25 - 6
Salvage Vehicle 25 - 5
Statement of fact 25 - 8
Vehicle Sales 25 - 3

Violations 25 - 2
Deceased
Affidavit of Heirship
Disinterested person(s) 16 - 8
Certificate of Title 24 - 7
No inheritance 16 - 9
No record 16 - 6
Rights of Survivorship 17 - 2
Small estates 16 - 9
Delinquent Transfer Penalty 3 - 2
Altered Date of Assignment 7 - 2
Applicability 3 - 4
Date of Assignment 3 - 3
Exemptions 3 - 5
Dealers 3 - 6
Operation of Law 3 - 6
Filing Date 3 - 3
Military 3 - 3
Out of State 3 - 5
Stolen Remark 21 - 3
Transfer Requirements 3 - 3
Department Administration 2 - 1
Forms 2 - 1
Processing Of Application 2 - 1
Divorce 16 - 19
Driver's Privacy Protection Act (DPPA) 2 - 2

E

Electronic Lien Title (ELT) 12 - 17
Application 12 - 19
Corrected Title 7 - 5
Data Transmissions 12 - 19
Definitions 12 - 18
Identifying a Prior ELT 12 - 19
Lienholder Certification 12 - 18
Obtaining a Printed Title 12 - 20
Release of Lien 12 - 16, 24 - 14
Release to a third party 24 - 14
Remarks 12 - 19
Transactions Types 12 - 19
Electronic Title 6 - 20
e-Lienholder/e-Title Lienholder 12 - 18
Emissions Testing 8 - 13
Exemptions 9 - 6
Non-Attainment 9 - 6
On Resale 9 - 6
Title Only 9 - 6
Equipment Numbers 13 - 12
Estate
Administration by Executor or Administrator 16 - 3
Bill of Sale 16 - 6
Executor(s) or Administrator(s) 16 - 4
Heirship Affidavit 16 - 8
Letters of Testamentary 16 - 3
Out of State 18 - 4
Signatures 11 - 4
Small Estates 16 - 9
Testate 16 - 3
e-Title 12 - 18
Evidence of Ownership
Bill of Sale 10 - 9
Certified Copy of Foreign Evidence 19 - 2
Imported Vehicles 19 - 2
Importer's Certificate 10 - 11
Insufficient 8 - 3, 8 - 4
Neighborhood Electric Vehicles 14 - 12
Registration Purposes Only (RPO) 6 - 13
Trailers 14 - 5
Trailers/Semitrailers 5 - 4
Exempt License Plates 5 - 6
Federal Government 5 - 8
Export Only 25 - 9
Not Eligible for Bonded Title 8 - 7
Procedures 25 - 9

F

Farm
Equipment Number 13 - 12
Trailer/Semitrailer 14 - 6
Fees
Delinquent Transfer Penalty 3 - 2, 9 - 5
Nonrepairable or Salvage Vehicle
Title Application 3 - 7
Rebuilt Salvage 3 - 7
Registration Purposes Only (RPO) 6 - 13
Stolen Remark 21 - 3
Title Application 3 - 2
Financial Responsibility 5 - 2, 25 - 7
Exceptions 6 - 12
First Sale 9 - 1, 10 - 1, 10 - 2
Foreclosure Lien
Occurring Out of State 23 - 33
Foreign Evidence 6 - 3, 20 - 1
Foreign Missions (Office of) 5 - 8
Forgery 21 - 5
Forms
Additional Liens Statement (Form VTR-267) 12 - 4
Affidavit and Application for Exempt License Plates (Form VTR-62-A) 5 - 8
Affidavit of Heirship for a Motor Vehicle (Form VTR-262) 12 - 14, 16 - 6, 16 - 7
Affidavit of Motor Vehicle Gift Transfer (Form 14-317) 2 - 7
Application for a Certified Copy of Title (Form VTR-34) 6 - 20
Application for Armed Forces, Coast Guard Auxiliary, or Texas Wing Civil Air Patrol License Plates (Form VTR-227) 5 - 7
Application for Exempt Registration of a Fire Fighting Vehicle, Form VTR-62-F 5 - 7
Application for Texas Title and/or Registration (Form 130-U) 2 - 6, 6 - 1, 6 - 2, 6 - 4, 6 - 5, 6 - 6, 6 - 7, 6 - 10, 6 - 12, 6 - 13, 7 - 9, 10 - 2, 11 - 6

ASE Safety Inspection for Assembled Vehicles (Form VTR-852) 2 - 8
Bonded Title Application or Tax Collector Hearing Statement of Fact (Form VTR-130-SOF) 2 - 7, 3 - 4, 8 - 6, 8 - 7, 8 - 9, 8 - 11
Certificate of Authority to Dispose of a Motor Vehicle to a Demolisher for Demolition, Wrecking or Dismantling Only (Form VTR 71-3) 25 - 5
Certificate of Title Surety Bond (Form VTR-130-SB) 2 - 6, 8 - 10
Component Part(s) Bill of Sale (Form VTR-63) 13 - 3
County of Title Issuance (Form VTR-136) 6 - 8, 11 - 10, 25 - 3
Dealer's Reassignment of Title for a Motor Vehicle (Form VTR-41-A) 2 - 7, 9 - 3, 9 - 4, 10 - 8, 10 - 10, 15 - 6
Imported Vehicles USDOT HS-7 16 - 17, 19 - 5
Law Enforcement Identification Number Inspection (Form VTR-68-A) 2 - 7, 6 - 14, 7 - 6, 7 - 8, 7 - 9, 8 - 11, 13 - 6, 13 - 9
Limited Power of Attorney for Eligible Motor Transactions (Form VTR-271) 2 - 7, 11 - 10
Not Requiring Notarization 11 - 14
Notice of Assigned or Installation of Reassigned Vehicle Identification Number (Form VTR-68-N) 13 - 7
Power of Attorney for Transfer of Ownership to a Motor Vehicle (Form VTR-271-A) 6 - 11, 11 - 9, 15 - 6
Prescribed Form for Release of Lien (Form VTR-266) 16 - 12
Rebuilt Vehicle Statement (Form VTR-61) 7 - 10
Recreational Off-Highway Vehicle Used for Farming or Lawn Care (Form VTR-329) 14 - 15
Registration Fee Refund Request/Authorization (Form VTR-304) 6 - 19
Repossessed Motor Vehicle Affidavit (Form VTR-264) 16 - 13, 21 - 5
Request for Texas Motor Vehicle Information (Form VTR-275) 2 - 2, 8 - 8
Rights of Survivorship Ownership Agreement for a Motor Vehicle (Form VTR-122) 17 - 2
Safety Responsibility Affidavit (Form SR39) 8 - 14
Secretary of State's Financing Statement (Form UCC1) 16 - 14
Standard Abbreviations for Vehicle Makes and Body Styles (Form VTR-249) 6 - 4
Surrendered Ownership Evidence for Vehicles Permanently Destroyed (Form VTR-340-M) 22 - 8
Tax Collector's Receipt for Texas Title Application/Registration/Motor Vehicle Tax (Form VTR-31-RTS) 2 - 6, 3 - 3, 3 - 7
Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax (Form VTR-500-RTS) 2 - 4, 2 - 6, 3 - 3, 3 - 7, 6 - 16, 6 - 17, 7 - 3, 8 - 11
Texas Certified Copy of Title (Form 30-CCO) 2 - 6
Texas Motor Vehicle Transfer Notification (Form VTR-346) 9 - 8
Title Revocation Affidavit for a First Sale (Form VTR-17) 6 - 19
Trailer Verification Statement of Fact (Form VTR-141) 14 - 5, 14 - 10
U.S. Government Certificate to Obtain Title to a Motor Vehicle (Form 97) 2 - 6, 5 - 8, 10 - 10
Vehicle Identification Number Certification (Form VTR-270) 6 - 14
Vehicle Inspection Report 5 - 8, 8 - 6, 16 - 14, 16 - 15
Frame Number. See Vehicle Identification Number
Franchised Dealer 10 - 2

G

Garagekeeper 22 - 1, 22 - 9, 23 - 13
General Motors Corporation (GM) non-saleable vehicles 13 - 4
Government
- Bills of Sale 10 - 10
- Civil Air Patrol 5 - 7
- Donated Vehicles 10 - 11
- Exempt License Plates 5 - 6
- Federal
  - Certificate of Title 5 - 8
  - Diplomat License Plates 5 - 8
  - Exempt License Plates 5 - 8
  - Form 97 5 - 8
  - Lease From 5 - 8
- Fire Fighting Vehicles 5 - 7
- Local Government Vehicles 5 - 8
- Machinery 5 - 6
- State of Texas 5 - 6
- Trailer/Semitrailer 5 - 6
- Volunteer Ambulance 5 - 7

Gross Vehicle Weight
- House Trailer 10 - 5

H

Heirship
- Affidavit by all Heirs 16 - 7
- Minor 16 - 9

Hostile Fire Zones 20 - 3
House Trailers 10 - 5
- Definition 4 - 2, 14 - 9
- Determine Weight by SQFT 10 - 6
- Homemade/Shopmade 13 - 9
- Serial Number 13 - 5

I

Implements of Husbandry 14 - 17
Imported Vehicles
- Bill of Sale/Invoice 19 - 3
- Bonded Title 19 - 9
- Entry/Clearance Documentation 19 - 8
- Evidence of Ownership 19 - 2
- Gas-guzzler taxes 19 - 4
- HS-7 19 - 5
- Manufactured in Mexico 19 - 7

Odometer Disclosure 19 - 4
Registration Purposes Only (RPO) 19 - 8
Safety Requirements
Exceptions 19 - 6
Proof of Compliance 19 - 6
Tax Assessor-Collectors Hearing 19 - 9
U. S. Customs 19 - 4
Under bond 19 - 5
Importer's Certificate 10 - 11
Incompetency 16 - 20
Independent Administration 16 - 4
Involuntary Divestiture of ownership 16 - 16

J

Judicial Bill of Sale 9 - 2
Judicial Sale 16 - 15
Registered out of state 16 - 15
Sheriff's or constable's bill of sale 16 - 15
Justice of the Peace 13 - 14, 16 - 20, 21 - 4

L

Landlord's Lien 23 - 28
Exempt Property 23 - 28
Notices 23 - 29
Letters of Testamentary 16 - 3
License Vehicle Storage Facility (VSF) 23 - 17, 23 - 21, 23 - 22
Notification to Law Enforcement 23 - 15, 23 - 19
Lien 4 - 2, 6 - 8, 6 - 16
Abbreviations 12 - 4
Accessories 12 - 7
Address of lienholders 12 - 6
Altered Information 12 - 4
Application for Texas Title 12 - 4
Assignment 12 - 10
Bankruptcy 16 - 11
Changing Lienholder's Name 12 - 11
Child Support 12 - 9
Priority of 12 - 10
Release of 12 - 10
Corrected Title 7 - 6, 12 - 6
Definition 4 - 2, 12 - 1
Electronic Lien Title (ELT). See Electronic Lien Title (ELT)
Floor Plan 9 - 2, 12 - 2, 16 - 14
Identifying a Prior ELT 12 - 19
Income Tax 12 - 7
Incorrectly Recorded 7 - 6
Joint Lienholders 12 - 4, 12 - 6
Landowner's 12 - 9
Lienholders' Address 12 - 6
Missing Records 12 - 12
Not Noted on Title 12 - 3
on Component Part 12 - 7
Out of State 12 - 3
Over 10 years old 12 - 16
Perfection 12 - 1
Priority of 12 - 5
Recorded In Error 12 - 14
Release of 12 - 12
Out of State 12 - 15
Released in Error or by Forgery 12 - 6
Repossession 16 - 13
Restitution 12 - 7
Priority of 12 - 8
Release of 12 - 8
Second Lien 12 - 6
Transfer of Equity 12 - 10
Release of Lien 12 - 16
Lienholder
Authorized Agents 24 - 8
Liquidation of Bank or Savings and Loan 16 - 12
Local Lienholder 12 - 18

M

Machinery 5 - 4
Government 5 - 6
Machinery/Permit Vehicles Plates 14 - 16
Manufactured Housing 4 - 2
Manufacturer 4 - 2
Definition 10 - 1
Multiple Manufacturers 10 - 2
Permanent Vehicle Identification Number 4 - 2
Manufacturer's Certificate of Origin (MCO)
AAMVA Adopted Format 10 - 2
Assignment 10 - 7
Assignments Over Two Years Old 10 - 8
Commercial Vehicle 10 - 4
Dealer Assignments 9 - 4
Dealer's License Number 10 - 7
Incorrect VIN 7 - 2
Odometer 10 - 8
Odometer Disclosure 15 - 3
Release of Lien 12 - 16
Required Information 10 - 3
Requirement 10 - 1
ROV, ATV or UTV 10 - 2
Second-stage 10 - 7
Supplemental 10 - 8
Switched 7 - 8
Trailers/Semitrailers 10 - 2
Mechanic's Lien 25 - 9
Financial Agreements 23 - 3, 23 - 9
Storage Fees 23 - 2, 23 - 9
Military 20 - 1
Delinquent Transfer Penalty 3 - 3
Entry of Vehicles into US 20 - 1
Hostile Fire Zones 20 - 3
Lien Foreclosure 20 - 2
Military Orders Example 20 - 4
Registration 20 - 1

Self-Service Storage Facility Lien 23 - 24
Title for For Former Military Vehicle 14 - 17
Minor
Texas Uniform Gifts or Transfers to Minors Act 16 - 20
Trustee for 16 - 2
Minor Heirs 16 - 9
Moped
Description 14 - 3
Weight Requirements 10 - 6
Motor Homes 14 - 10
Definition 14 - 10
Motor Number. See Vehicle Identification Number
Motor Scooter
Motor Frame Number 13 - 5
Weight Requirements 10 - 6
Motor Vehicle Dealer. See Dealer
Motor Vehicle. See Vehicle
Motorcycle 14 - 2
Autocycle 14 - 3
Definition of 4 - 2
Motor/Frame Number 13 - 5
Three Wheeled 14 - 3
Weight Requirements 10 - 6
Municipal Judge 16 - 20
Muniment of Title 16 - 4

N

Name Change 7 - 6, 16 - 19
Neighborhood Electric Vehicles 14 - 12
NMVTIS 2 - 2
Nonnegotiable Title
Issued by other states 18 - 3
Nonrepairable Title 22 - 13
Notarization 11 - 14

O

Occupations Code
Occupations Code Section 2301.002 10 - 1
Occupations Code Section 2305.001 26 - 1
Occupations Code Section 2305.002 26 - 1
Occupations Code Section 2305.003 26 - 1
Occupations Code Section 2305.004 26 - 2
Occupations Code Section 2305.005 26 - 2
Occupations Code Section 2305.006 26 - 2
Occupations Code Section 2305.051 26 - 2
Occupations Code Section 2305.101 26 - 3
Odometer
Broken or inoperable 15 - 5
Metric 15 - 2
Repaired or Replaced 15 - 5
Title brands 15 - 4
Odometer Disclosure 11 - 13, 15 - 1
Broken/Inoperable Odometer 15 - 5
Discrepancies 15 - 6
Imported Vehicles 19 - 4
Manufacturer's Certificate of Origin 10 - 8
Missing on Title Application 15 - 4
Out of State Titles 15 - 3
Unrecovered Stolen Vehicle 15 - 4
Vehicles Without Odometers 15 - 5
Off Road Use Only 10 - 2
Office of General Counsel 6 - 18, 8 - 4
Oil Company Vehicles
Assignment of Title 10 - 9
Operation of Law
Estates 16 - 3
Joint Wills 16 - 7
Minor 16 - 9
Minors 16 - 5
Name Change 16 - 19
Odometer Disclosure 15 - 4
Out of State 16 - 3
Optional Vehicle Class 7 - 10, 10 - 5
Out of State
Apprehended 18 - 9
Assignment/Reassignment of Ownership 18 - 2
Bill of Sale 10 - 9
Bonded Title notation 8 - 7
Current Registration Receipt 18 - 1, 18 - 4
Dealer Assignment 10 - 9
Divorce 16 - 19
Estate 18 - 4
Evidence of Ownership 18 - 2
Foreclosure Lien 23 - 33
Lien 12 - 3
Nonnegotiable Title 18 - 3
Odometer Disclosure 15 - 3
Operation of Law 16 - 3
Reassignment document 18 - 3
Recovered Stolen 13 - 14
Release of Lien 12 - 15
Repossession 16 - 13, 16 - 16
Requirement for Title 18 - 1
Restricted certificates of title 18 - 3
Travel Trailers 10 - 6
Vehicle Description Errors 7 - 9
Vehicle Located Outside of Texas 6 - 14
Vehicle Safety Inspection 18 - 7
Owner
Definition of 4 - 3
Minor 16 - 9

P

Park Model Trailers 14 - 9
Personal Identification 6 - 9
Power of Attorney 11 - 2, 11 - 6
Affidavit of Heirship 16 - 8
Attorney-in-Fact designation 11 - 6
Certified Copy of Title 24 - 5
Death of the grantor 11 - 7

Durable 11 - 8
Joint owners 11 - 3
Limited 11 - 8, 11 - 10
Acceptance 11 - 13
Power of substitution 11 - 7
Secure 15 - 7
Transfer Ownership and Disclose Mileage 15 - 7
Two or More 11 - 8
Prior CCO Issued 7 - 5
Public Nuisance Vehicles 22 - 16

R

Reassignment of Title 9 - 2, 25 - 7
Dealer's License Number 10 - 7
Rebuilt Salvage
Rebuilt Salvage Fee 3 - 7
Record Superseded 7 - 7
Recreational Off-Highway Vehicles (ROV) 14 - 14
MCO 10 - 2
Notation 6 - 3
Title Exemption 14 - 15
Registration Purposes Only (RPO) 6 - 13, 18 - 10
Application Fee 6 - 13
Correction 6 - 15
Foreign Vehicles 19 - 8
Law Enforcement Vehicles 16 - 17
Seized and Forfeited Vehicles 6 - 15
Vehicle located out of state 6 - 14
Registration Receipt 18 - 4
Non-Title States 5 - 9, 18 - 1, 18 - 4
Rejections
Appeal 8 - 3, 8 - 4
Due to Fraud 8 - 2
Requests for 8 - 2
Retention of Documents 2 - 4
Title transactions 2 - 3
Release of Information. See Driver's Privacy Protection Act (DPPA)
Release of Lien 12 - 12
Alteration 12 - 15
Bankruptcy 16 - 11
Court Order 12 - 16
Divorce 16 - 19
Electronic Lien Title (ELT) 12 - 16, 24 - 14
Executing 12 - 13
Joint Lienholders 12 - 15
Lien Recorded in Error 12 - 14
MCO 12 - 16
Missing Records 12 - 12
Out of State 12 - 15
Released in Error or by Forgery 12 - 6
Repossession 12 - 14
Security Agreements 12 - 15
Transfer of Equity 12 - 16
Remarks
"Not for Highway Use" 10 - 11
Actual Mileage 15 - 4
Chart of all Remarks/Brands 4 - 5
DOT PROOF REQUIRED 16 - 17
E-Title 12 - 19
FLOOD DAMAGED 10 - 11
Mileage Exceeds Mechanical Limits 15 - 4
Multiple Survivors 17 - 7
Not Actual Mileage 15 - 4, 15 - 5
Out of State Bonded Title notation 8 - 7
Paper Title 12 - 19
Rights of Survivorship 11 - 2, 17 - 8
Safety Responsibility Suspension 8 - 14
Salvage 10 - 11
Stolen 21 - 2, 21 - 3
Survivorship Rights 17 - 3, 17 - 8
Totaled 10 - 11
VIN CERTIFICATION WAIVED 8 - 6
Repossession 9 - 3, 16 - 12, 25 - 8
Affidavit 16 - 13, 16 - 15
Affidavit Requirement 16 - 14
Cosigners 16 - 15
Lien 16 - 13
Multiple Lienholders 12 - 14
Out of State 16 - 13, 16 - 16
Voluntary 9 - 3
Rights of Survivorship
Death Certificate 17 - 2
Entry into RTS 17 - 6
Error 17 - 6
Remark Not Shown on Title 17 - 3
Represents Joint Ownership 17 - 6
Spouses 17 - 2
Unmarried 17 - 3
ROVs. See Recreational Off-Highway Vehicles (ROV)
Rules
Forms 2 - 1
Processing Of Application 2 - 1

S

Safety Inspection
Off Highway motorcycles 18 - 7
Vehicles Not Subject 18 - 8
Safety Requirements 8 - 3, 8 - 7, 16 - 17, 19 - 4, 19 - 5
Exceptions 19 - 6
Mexican Manufactured Vehicles 19 - 7
Proof of Compliance 16 - 17, 19 - 6
Safety Responsibility 8 - 13
Salvage and Nonrepairable Motor Vehicles
Export Only 26 - 3
Rebuilt Salvage Fees 3 - 7
Title Application Fees 3 - 7
Seized/Forfeited Vehicles 16 - 16
Awarded to Law Enforcement 16 - 17
Bill of Sale 16 - 18
Comptroller 16 - 18
Contraband 16 - 17
Illicit beverage 16 - 18
Marshal's Bill of Sale 16 - 17

Self-Service Storage Facility Lien 23 - 23
Military 23 - 24
Notifications 23 - 27
Semitrailers
Definition of 4 - 3
Double Bottom 5 - 5
Farm 5 - 5
Government Owned 5 - 6
House Moving Dollies 5 - 5
Serial Number 13 - 5
Title 5 - 5
Twin Twenties 5 - 5
Serial Number. See Vehicle Identification Number
Signatures
Doing Business As (DBA) 9 - 4
Estate 11 - 4
False name, false information, and forgery 11 - 1
Joint ownership 11 - 2
Minor 11 - 5
Name and address stamps 6 - 6
Partnership 11 - 3
Signature stamps 6 - 6, 11 - 5
Sr./Jr 11 - 3
Trust 11 - 5
Social Security Number 6 - 12
Special Handling 6 - 8, 11 - 14
Standard Presumptive Value (SPV) 8 - 8
Statement of Fact 7 - 1, 9 - 5
Stolen Vehicles 21 - 1
Altered VINs 21 - 5
Certified Copy of Title 21 - 2
Conversion 21 - 5
Insurance Claims, Application, Fees 21 - 3
Recovered 21 - 3
Stop Title 2 - 4, 6 - 17
Storage Lien 23 - 12, 25 - 9
for Licensed Vehicle Storage Facility (VSF) 23 - 17
Application for Title 23 - 21, 23 - 22
Notification to Law Enforcement 23 - 15, 23 - 19
Switched MCOs 7 - 8

T

Tax Assessor-Collectors Hearing
Foreign/Imported Vehicles 19 - 9
Notifications 8 - 3
Tax Collector's Receipt for Title
Application/Registration/Motor Vehicle Tax (Form VTR-500-RTS) 2 - 3
Temporary Hold Requests 6 - 18
Theft by Conversion 21 - 5
Title
Automatic Issuance 6 - 16
Title Application Receipt
Altered 6 - 17, 21 - 5
Duplicate 6 - 17
Evidence of Title 5 - 4
Title Litigation 6 - 18, 8 - 4
Title Only 6 - 12
Bonded Title 8 - 6
Emissions Testing 9 - 6
Notation 6 - 3
Title Transaction
Assembly Procedures 2 - 6
Bonded Assembly Procedures 8 - 11
Lost 2 - 6
Title. See Certificate of Title
Tonnage
Rating Guide 10 - 5
Trailers 4 - 4
Double Bottom 5 - 5
Evidence of Ownership 14 - 5
Farm 5 - 5
Government Owned 5 - 6
Jockey 14 - 17
Mobile Office 14 - 10
Park Model 14 - 9
Serial Number 13 - 5
Title 5 - 5
Travel/Camper 14 - 10
Trailers/Semitrailers
Dealers 25 - 2
Definition 14 - 4
Empty Weight 18 - 9
Evidence of Ownership 5 - 4
Farm 14 - 6
Homemade/Shopmade 13 - 9, 14 - 5
Last Registered/Titled Out of State 18 - 9
Manufacturer's Certificate of Origin (MCO) 10 - 2
Out of State 14 - 5
Serial Numbers 14 - 4
Without Frames 13 - 6
Transfer of Vehicle 16 - 1
Judicial, U.S. Government Agent's, Sheriff's, Constable's, Mechanic's or Storage Lien Bill of Sale 16 - 2
Transportation Code
Transportation Code Section 501.001 1 - 1
Transportation Code Section 501.002 4 - 1, 9 - 1, 10 - 1, 12 - 1, 13 - 1, 14 - 1, 25 - 1, 25 - 6
Transportation Code Section 501.003 1 - 1
Transportation Code Section 501.004 1 - 2, 5 - 1
Transportation Code Section 501.0041 2 - 1
Transportation Code Section 501.005 1 - 2
Transportation Code Section 501.006 5 - 8
Transportation Code Section 501.021 5 - 2
Transportation Code Section 501.022 5 - 3
Transportation Code Section 501.023 6 - 1
Transportation Code Section 501.0234 25 - 4
Transportation Code Section 501.024 6 - 16
Transportation Code Section 501.025 10 - 1
Transportation Code Section 501.027 6 - 15
Transportation Code Section 501.0275 6 - 12
Transportation Code Section 501.0276 8 - 13
Transportation Code Section 501.029 10 - 11
Transportation Code Section 501.030 18 - 1, 19 - 1
Transportation Code Section 501.031 17 - 1
Transportation Code Section 501.032 13 - 9
Transportation Code Section 501.033 13 - 7

Transportation Code Section 501.0331 13 - 4
Transportation Code Section 501.0332 13 - 4
Transportation Code Section 501.034 5 - 5
Transportation Code Section 501.035 14 - 17
Transportation Code Section 501.036 14 - 6
Transportation Code Section 501.037 14 - 6
Transportation Code Section 501.051 6 - 18, 8 - 1
Transportation Code Section 501.052 8 - 2
Transportation Code Section 501.0521 16 - 20
Transportation Code Section 501.053 8 - 5
Transportation Code Section 501.071 9 - 1
Transportation Code Section 501.072 15 - 1
Transportation Code Section 501.0721 9 - 7
Transportation Code Section 501.073 9 - 9
Transportation Code Section 501.074 16 - 1
Transportation Code Section 501.076 11 - 10
Transportation Code Section 501.111 12 - 1
Transportation Code Section 501.112 12 - 2
Transportation Code Section 501.113 12 - 2
Transportation Code Section 501.114 12 - 10
Transportation Code Section 501.115 12 - 12
Transportation Code Section 501.116 12 - 16
Transportation Code Section 501.117 12 - 17
Transportation Code Section 501.132 6 - 17
Transportation Code Section 501.134 24 - 1
Transportation Code Section 501.135 21 - 1
Transportation Code Section 501.138 3 - 1
Transportation Code Section 501.145 9 - 5
Transportation Code Section 501.146 3 - 2
Transportation Code Section 501.147 9 - 7
Transportation Code Section 501.148 3 - 6
Transportation Code Section 501.151 21 - 3
Transportation Code Section 501.152 5 - 9, 9 - 2
Transportation Code Section 501.153 21 - 5
Transportation Code Section 501.154 6 - 17
Transportation Code Section 501.155 11 - 1, 21 - 5
Transportation Code Section 501.157 21 - 5
Transportation Code Section 501.158 21 - 5
Transportation Code Section 501.161 9 - 9
Transportation Code Section 501.173 6 - 20
Transportation Code Section 502.001 14 - 1
Transportation Code Section 502.480 2 - 3
Transportation Code Section 503.001 4 - 1
Transportation Code Section 520.003 25 - 11
Transportation Code Section 520.005 2 - 2
Transportation Code Section 520.014 2 - 3
Transportation Code Section 520.016 9 - 9
Transportation Code Section 541.201 14 - 2
Transportation Code Section 548.001 14 - 2
Transportation Code Section 548.052 18 - 8
Transportation Code Section 548.3011 9 - 5
Transportation Code Section 601.006 8 - 13
Transportation Code Section 683.001 22 - 1
Transportation Code Section 683.002 22 - 2
Transportation Code Section 683.003 22 - 20
Transportation Code Section 683.011 22 - 3
Transportation Code Section 683.012 22 - 3
Transportation Code Section 683.013 22 - 5
Transportation Code Section 683.014 22 - 6
Transportation Code Section 683.015 22 - 7
Transportation Code Section 683.016 22 - 20
Transportation Code Section 683.031 22 - 9
Transportation Code Section 683.032 22 - 10
Transportation Code Section 683.033 22 - 11
Transportation Code Section 683.034 22 - 11
Transportation Code Section 683.051 22 - 12
Transportation Code Section 683.052 22 - 14
Transportation Code Section 683.053 22 - 14
Transportation Code Section 683.054 22 - 14
Transportation Code Section 683.055 22 - 21
Transportation Code Section 683.056 22 - 15
Transportation Code Section 683.057 22 - 21
Transportation Code Section 683.071 22 - 2, 22 - 3
Transportation Code Section 683.072 22 - 16
Transportation Code Section 683.073 22 - 22
Transportation Code Section 683.074 22 - 17
Transportation Code Section 683.075 22 - 18
Transportation Code Section 683.076 22 - 18
Transportation Code Section 683.0765 22 - 19
Transportation Code Section 683.077 22 - 19
Transportation Code Section 683.078 22 - 20
Travel Trailers 4 - 4
Out of State 10 - 6
Trust 11 - 5, 16 - 10
Affidavit of Trust 16 - 10
Certified Copy of Title 24 - 10
Signature 11 - 5
Signing as, or for, a Trustee 11 - 4
Statement of Fact 16 - 10
Transferring a vehicle 16 - 10
Trustee
For a minor 16 - 2
In Bankruptcy 16 - 11
Successor 16 - 10
Two-Chain Record of Title 7 - 6

U

U.S. Department of State 5 - 8
US Entry/Clearance Documentation 19 - 8

V

Vehicle
Abandoned 22 - 2
Body Style 6 - 4
Cadillacs
1956 through 1967-year model 13 - 5
Changing Classification 7 - 10
Definition 14 - 1, 25 - 6
Description
on Manufacturer's Certificate of Origin 10 - 3
Donated (Government) 10 - 11
Electric 14 - 12
Farm Tractor/Road Tractor 14 - 17
Ford
Manufactured from March 31, 1932 - 1948 13 - 5
Manufactured in a foreign country 13 - 4
Prior to 1932 13 - 4

Former Military 14 - 17
From Indian Reservation 18 - 9
Homemade/Shopmade Trailers 13 - 9
International trucks 13 - 4
Jeep
Manufactured by the Ford Company 13 - 4
Junked 13 - 3
Leased 6 - 6
Manufactured in Mexico 19 - 7
Mini-Trucks 14 - 11
New 4 - 3
Definition 10 - 1
Loaned to School District 5 - 6
Remains a new motor vehicle 10 - 8
Non-Saleable GM 13 - 4
Off-Highway Use 14 - 13
Oil Company Vehicles 10 - 9
Public Nuisance 22 - 16
Rightful Owner 21 - 4
Safety Inspection 18 - 7
Seized and Forfeited 13 - 13
Seized/Forfeited 16 - 16
Stolen 21 - 1
Odometer Disclosure 15 - 4
Out of State Recovered 13 - 14
Three Wheeled 14 - 3
Types 14 - 1
Used 4 - 4
Volkswagen Beetle
Assigned Number Location 13 - 9
Floor Pan 13 - 2
Serial Number Location 13 - 5
Without Odometers 15 - 5
Year Model 6 - 3
Vehicle Identification Certificate
Inspection Information 18 - 6
Vehicle Identification Number 4 - 2, 13 - 1
After 1955 13 - 3, 13 - 5
After 1967 13 - 3
After 1980 13 - 3
Altered 21 - 5
Assigned by Another State 13 - 13
Assigned Numbers 13 - 6, 13 - 8
Cancellation of 13 - 13
Corrected Title 13 - 12
Equipment 13 - 12
HT Prefix 13 - 9
Off road construction equipment 13 - 12
Special mobile equipment 13 - 12
Stolen 21 - 6
TEX Prefix 13 - 8
TR Prefix 13 - 9
Corrected MCO 7 - 2
Definition 4 - 4
Errors 7 - 8
GM Non-Saleable Vehicles 13 - 4
Incomplete imported vehicle 10 - 2
Incorrect VIN 7 - 2
International Trucks 13 - 4
Manufacturer's Certificate of Origin 10 - 3
Missing VINs 13 - 7
Motor Numbers 13 - 3, 13 - 4
Multiple Records 7 - 7
Physically Altered 7 - 9
Prefixes and Suffixes 13 - 4
Prior to 1956 13 - 3
Reassigned VIN 13 - 6
Title Implications 13 - 7
Rightful Owner 21 - 4
Seized/Forfeited Vehicles 13 - 13
Serial Numbers 4 - 3, 13 - 1, 13 - 5
Strikeovers or Erasures 6 - 3
Two Chain Record of Title 7 - 6
Vehicle Inspection Report 2 - 7, 5 - 8, 8 - 6, 16 - 14, 16 - 15
Vehicle Record (History) 2 - 2
Vehicle Transfer Notification 9 - 8
Statute 9 - 7

W

Weight Certificate 16 - 14
Buses 10 - 6
Commercial Vehicles 10 - 4
Exempt Agencies 10 - 5
Imported Vehicles 19 - 4
Minimum Specifications 10 - 5
Out of State Trailer/Semitrailer 18 - 9
Second-stage Manufacturers 10 - 7
To Obtain 10 - 5
Waived
for Commercial Vehicles 18 - 10
for Second-Stage Manufacturers 10 - 7
Wills 16 - 7