

ARTICLE 6. TITLE DIVISION

Rule 1. Application, Change, Transfer of Title; Procedures

140 IAC 6-1-1 Definitions

Authority: IC 9-14-2-2

Affected: IC 9-13-2; IC 9-17

Sec. 1. (a) Definitions. Words and phrases used in these regulations shall, for the purpose of these regulations have the meanings defined in IC 9-13-2 except in those instances where the context clearly indicates a different meaning.

(b) Definition of a Proper Certificate of Title. After a vehicle has been sold or transferred, a proper certificate of title must contain the following information:

- (1) Purchaser's Name
- (2) Seller's Signature
- (3) Name of Notary
- (4) Date Signature is Notarized.

(Bureau of Motor Vehicles; (9-1-1-2)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 133; filed Apr 28, 1981, 9:35 a.m.: 4 IR 902; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230)

140 IAC 6-1-2 Application for title; contents

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 2. Application contents. (A) Any person who purchases or otherwise acquires a new or used motor vehicle, trailer, semi-trailer, recreational vehicle, or mobile home must apply for a certificate of title in the purchaser's or transferee's name. All trailers, except camping trailers built after January 1, 1986, of a gross weight of three thousand pounds (3,000 lbs.) or less and motorized bicycles are not required to be titled.

(B) Application for certificate of title shall be made upon a form to be furnished by the commissioner and shall be acknowledged before a notary public or other officer empowered to administer oaths. The application shall contain:

- (1) The name, residence, mailing address, and Social Security or other identification number for the vehicle's owner;
- (2) A description of the vehicle to include: vehicle make, vehicle identification number, vehicle year, vehicle type, and model number;
- (3) The former title number, if any;
- (4) The date of purchase;
- (5) The name and address of the first and second lienholders, if any;
- (6) And any other information that the commissioner may require to administer the motor vehicle laws.

(C) An individual must apply for an Indiana title before obtaining registration plates; however, registration plates need not be purchased at the time application for title is made, if the person applying for the title executes an affidavit on a form designated by the commissioner indicating that the vehicle will not be operated on the highways until properly registered.

(D) Accompanying the application for certificate of title shall be an affidavit of the seller or transferor certifying that the Indiana sales or use tax has been paid to the seller or transferor. If the affidavit is not presented to the license branch, the branch shall collect the sales or use tax on the vehicle.

(E) If a certificate of title has been previously issued for the vehicle by the state of Indiana, the application shall be accompanied by the Indiana certificate of title duly assigned.

(F) If the application for title is for a vehicle brought into Indiana from another state, the application shall be accompanied by a proper certificate of title. If the vehicle was brought from a state that does not issue certificates of title, a sworn bill of sale or dealer's invoice fully describing the vehicle and the last or current registration receipt will be necessary.

(G) If a certificate of title has not been previously issued for the vehicle by either the state of Indiana or another title state, the application must be accompanied by a manufacturer's certificate of origin.

(H) If the vehicle has been brought in from out-of-state or assembled or rebuilt by the owner the vehicle must be inspected by a police officer. The inspecting official shall verify the facts stated in the application and note the following information on the application:

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- (1) The vehicle identification number;
- (2) The make and year of the vehicle;
- (3) Police officer's title, police agency, and signature;
- (4) Date; and
- (5) The signature of the applicant and if signing for a company his position.

(I) If the vehicle has been built, constructed, or assembled by the owner and has been assigned a vehicle identification number (note: subsection (K)), the owner shall attach to his application in lieu of an assigned title or certificate of origin, an affidavit setting forth that the vehicle was built or constructed by the owner.

(J) The bureau shall retain the evidence of title presented by the applicant upon which the Indiana certificate of title is issued.

(K) No certificate of title shall be issued for any motor vehicle privately assembled or substantially altered which does not have a distinctive identification number stamped on, or permanently attached to the vehicle. If the vehicle does not have a motor vehicle identification number, the owner must obtain a number from the bureau by making application. The procedure as prescribed in section 17 of this rule should be utilized. (*Bureau of Motor Vehicles; (9-1-2-1)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 133; filed Sep 23, 1988, 8:30 a.m.: 12 IR 249; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-3 Change of name

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 3. Procedures and requirements for name change.

(A) Individual. (1) Any person may make application for a new title because their name has changed.

(2) The application must be accompanied by a name change affidavit on the form designated by the commissioner and the old title must accompany the new title application.

(B) Company. (1) Not all company name changes are treated as name changes by the bureau of motor vehicles. If the applicant a [*sic.*] change of ownership is not a change of name and does not qualify for any use (sales) tax exemption or the opportunity to transfer license plates and the corresponding excise tax. The following assignments are some that do not qualify as a name change:

- (a) individual to existing corporation;
- (b) existing corporation to individual;
- (c) irrevocable trust to individual;
- (d) corporation dissolution.

(2) The following assignments are some that do qualify as a name change:

- (a) individual to company;
- (b) company to individual;
- (c) individual to irrevocable trust;
- (d) revocable trust to individual;
- (e) individual to newly formed corporation for stark;
- (f) corporation name change only;
- (g) wholly owned subsidiary transfer from parent corporation;
- (h) merger of two corporations.

(3) The following procedure should be used:

(a) Prior to the actual title application written notice must be given to the Bureau of Motor Vehicles, Room 409, State Office Building, Indianapolis, Indiana 46204.

(b) This notice should give reasons, details, and circumstances necessitating the name change. Accompanying the notice, the applicant should forward on forms designated by the commissioner a completed affidavit of ownership and, if necessary, certificate of corporate minutes.

(c) The request for name change will be reviewed by the bureau of motor vehicles and, if approved, the applicant will be notified by letter of the approval.

(d) Based upon this letter of approval, the applicant may now have his application processed at any license branch. The application must be accompanied by the letter of approval from the bureau of motor vehicles.

(e) The title will not be processed and registration plates issued or transferred without letter of authorization from the bureau of motor vehicles.

(C) One and the same person. (1) An individual who wishes to clarify his name as it appears on a title may use a one and the same person affidavit in the form designated by the commissioner. (*Bureau of Motor Vehicles; (9-1-2-1)-2; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 135; filed Sep 23, 1988, 8:30 a.m.: 12 IR 250; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-4 Adding or removing names from title

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 4. Procedures and requirements for adding or dropping a name from a title. (A) Adding a name to a title

(1) Either both persons must sign the title application (one of the parties may, instead, give the other party his or her Power of Attorney to cover this requirement).

(2) Or, the person whose name will be added may make a notarized affidavit authorizing their name to be added. The application then only needs the signature of the original assignee or title owner.

(B) Dropping a name from a title

(1) In dropping a name from a title both signatures are required on the title.

(2) Both individuals indicated on a title must sign off the title as seller. The individual whose name is to be indicated on the new title is noted as purchaser on the old title.

(3) The party whose name is to be dropped from the title may by affidavit or power of attorney allow his or her name to be dropped from the title. This affidavit or power of attorney will allow the party whose name is to remain on the title to sign-off the title on behalf of the individual whose name is to be dropped from the title.

(*Bureau of Motor Vehicles; (9-1-2-1)-3; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 135; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-5 Body change title

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 5. Procedures and requirements for body change title. (A) A body change title is issued whenever any change is made to a vehicle that alters the vehicle's make or type as stated on the vehicle's current title or certificate of origin.

(B) The application for a body change title must be accompanied by the former title or certificate of origin, a body change affidavit on the form designated by the Commissioner, and a police check. (*Bureau of Motor Vehicles; (9-1-2-1)-4; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 136; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-6 Delinquent fee for late application

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-29

Sec. 6. Procedures and requirements for delinquent title fee. (A) A ten dollar (\$10) delinquent fee is charged on any title application that is not made within twenty-one (21) days after the date of purchase.

(1) The purchase date is determined by the notary date of the seller's signature on an assigned title, certificate of origin, or bill of sale.

(2) The twenty-one (21) day period begins with the day following the purchase date and continues for twenty-one (21) consecutive days (including Sundays and holidays). If the twenty-first day falls on a Sunday, legal holiday, or a day when the bureau of motor vehicles branches are closed, the due date will be the following day.

(3) The date on which the applicant first visited the bureau of motor vehicles branch is used as the application date. If the applicant cannot complete the application on that date, the date will, nevertheless, be utilized for determination of whether a delinquent title fee will be assessed.

(B) A non-resident owner of a vehicle with an out-of-state title who applies for an Indiana title in his name is not subject to a delinquent title fee.

(C) An Indiana resident who purchases an out-of-state vehicle without having the vehicle titled in another state must still comply with the twenty-one (21) day application procedure when applying for Indiana title.

(D) The delinquent fee will be assessed if on the ownership documents the notary date is altered in any manner.

(1) An error or accidental mutilation may be corrected by affidavit from the notary indicating the correct date on which the documents were notarized.

(2) The date of purchase for record purposes then is considered the date of application.

(Bureau of Motor Vehicles; (9-1-2-1)-5; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 136; filed Sep 23, 1988, 8:30 a.m.: 12 IR 251; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230)

140 IAC 6-1-7 Duplicate titles

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 7. The following are procedures and requirements for obtaining a duplicate title:

(1) In the event that certificate of title has been lost, mutilated, destroyed, or not received, the owner must apply for a duplicate title.

(2) Application for a duplicate title shall be made on a form designated by the commissioner.

(3) A duplicate title supersedes all previous titles. The duplicate must be utilized in all subsequent assignments of title.

(4) If a duplicate application is to replace a mutilated title, the mutilated title should accompany the application.

(5) A lien may be removed from the title at the time the duplicate title request is processed if the lien release documentation is verified and attached to the duplicate title application.

(Bureau of Motor Vehicles; (9-1-2-1)-6; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 136; readopted filed Oct 17, 2001, 4:18 p.m.: 25 IR 920)

140 IAC 6-1-8 Transfer of title of decedent owner

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 8. Procedures and requirements for obtaining a decedent's title. (A) Title in joint ownership specifying full rights of survivorship: only the death certificate is necessary to transfer the motor vehicle into the sole name of the surviving party.

(B) Decedent as sole owner requires the following:

(1) A copy of the letters of administration, letters testamentary, guardianship papers, or power of attorney.

(a) The party with the delegated executory powers must sign the title on behalf of the deceased or ward in the same manner as if the deceased or ward were selling the vehicle. The deceased or ward's name must be signed followed by the name and title of the party executing the document.

(b) The letters of administration, letters testamentary, guardianship papers, or power of attorney must accompany the title.

(2) Or, a court order granting an unsupervised administration of the estate noting the personal representative. Based thereupon, the personal representative may transfer title as noted in subdivision (1).

(3) Or, a court order made on a petition for no administration.

(4) Or, an affidavit of no administration on the form designated by the commissioner and a certificate of death.

(a) After waiting five (5) days an affidavit of no administration as prescribed in IC 9-17 on the form designated by the commissioner may be used along with a certificate of death to transfer title to a vehicle.

(b) The affidavit of no administration may not be utilized if the deceased person was an out-of-state resident.

(C) Miscellaneous provisions. (1) Title in joint ownership between a husband and wife without specifying full right of survivorship: the same procedure as expressed in subsection (B) should be utilized.

(2) Title in joint ownership not between husband and wife without specifying full right of survivorship: the same procedure as expressed in subsection (B) should be utilized.

(3) If a title stating ownership by a deceased individual is lost or mutilated, a duplicate title must be applied for in the decedent's name. The application for the duplicate title must be accompanied by the proper documents as indicated in subsection (A) or (B). (*Bureau of Motor Vehicles; (9-1-2-1)-7; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 137; filed Sep 23, 1988, 8:30 a.m.: 12 IR 252; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-9 Police check

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18; IC 9-23

Sec. 9. Police check. (A) Police check (verification of a vehicle's year, make, and identification number by a police officer) is required on a vehicle under the following circumstances:

- (1) Out-of-state vehicle title assigned to an Indiana resident.
- (2) Out-of-state resident's title simply transferred to Indiana.
- (3) Certificate of Origin assigned by an out-of-state dealer to an Indiana resident.
- (4) Certificate of Origin assigned directly by the manufacturer to an Indiana resident.
- (5) Body Change application
- (6) Motor Vehicle Identification number application
- (7) Mechanic's Lien application
- (8) Corrected Title (ID # change) application
- (9) Affidavit of Ownership or Bill of Sale title application
- (10) Conversion of any Salvage Title to a regular Indiana title
- (11) Bureau request for clarification of identification number discrepancy
- (12) Out-of-country, government-owned and military-registered vehicles

(B) Police check is not required on a Certificate of Origin assigned from an out-of-state dealer to an Indiana dealer or from an out-of-state dealer to an Indiana dealer to an Indiana resident.

(C) Police check is not required on a Certificate of Origin assigned directly from the manufacturer to an Indiana dealer.

(D) The police check is to be completed in its entirety either on the title application or other appropriate forms. (*Bureau of Motor Vehicles; (9-1-2-1)-8; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 137; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-10 Title for vehicle previously titled

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 10. Procedures and requirements for transfer of previously held certificate of title. Before application for a new title can be made, the following requirements on the former title must be met:

(A) Indiana vehicle without a lien. (1) A person applying for an Indiana title on a vehicle previously titled in Indiana which does not have a lien outstanding on it, must present the former title with:

- (a) The purchaser's name and address indicated in the space provided on the left hand portion of the assignment of title section located on the back of the title.
- (b) The seller's notarized signature must be indicated in the space provided on the right hand portion of the assignment of title section located on the back of the title.
- (c) In case of joint ownership an affidavit attached to the title may be utilized by one of the seller's noting that that individual is signing off the title.

(B) Indiana Vehicle with lien. (1) A person applying for an Indiana title on a vehicle previously titled in Indiana with a lien noted on the title must utilize the same procedure as indicated in the foregoing subsection (A).

(2) In addition, the "release of first lien" block on the face of the title must be completed by the lienholder, showing the date the lien was satisfied, name of the lienholder and signature and official title of person authorized to release the lien.

(C) Out-of-state vehicles. (1) A person applying for an Indiana title on a vehicle previously titled in another state must present the following:

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(a) If the out-of-state vehicle is from a state which utilizes titles, the title must be completed in a manner according to that state's requirements as to transfer of ownership of a motor vehicle.

(b) If the out-of-state vehicle is from a state which does not utilize titles, the applicant for an Indiana title must present a notarized bill of sale and the last registration receipt.

(c) (1) If the out-of-state vehicle is subject to a lien, the branch of the Bureau of Motor Vehicles where the application is made will request on a form designated by the Commissioner that the lienholder forward the title to the branch.

(2) When the branch of the Bureau of Motor Vehicles obtains the title from the lienholder, the applicant will be contacted to return to the branch to complete the title application.

(3) Once the title is processed an Indiana title will be returned to the lienholder noting both the applicant's and the lienholder's interest in the vehicle.

(4) For non-title states the lienholder's name will be determined from the respective ownership documents. The lien thereupon will be noted on the Indiana title, and the Indiana title mailed to the out-of-state lienholder.

(D) Any questionable alterations to either side of the title such as write-overs, erasures or information written in the wrong place on the title will constitute a mutilated title which will necessitate the seller of the vehicle applying for a duplicate title before a new title application can be taken.

(E) A title showing more than one person as owner, must have the complete signatures of each owner in the seller's block on the back of the title. A power of attorney from one of the parties attached to the title may be substituted for that parties signature on the title.

(Bureau of Motor Vehicles; (9-1-2-2)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 138; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230)

140 IAC 6-1-11 Procedures and requirements for application

Authority: IC 9-14-2-2

Affected: IC 6-2.5; IC 9-17; IC 9-18; IC 9-23

Sec. 11. Procedures and requirements for applying for certificate of title. All persons applying for title in Indiana must comply with the following requirements for the type of vehicle or type of transfer which they intend to make.

(A) New motor vehicles. (1) Any person applying for title on a vehicle which has never been titled must surrender the manufacturer's statement, certificate of origin, or equivalent regardless of whether the vehicle was purchased in Indiana or not.

(2) A certificate of origin is supplied by the dealer at the time of purchase. If the applicant does not have this document, he must obtain the document or a duplicate of the document from the dealer where he purchased the vehicle.

(3) An applicant with a certificate of origin from an Indiana dealer must also provide on a form designated by the commissioner proof that the Indiana sales (use) tax has been paid to the dealer for the sale of the vehicle.

(4) A police check on the form designated by the commissioner is required for most out-of-state certificate of origins.

(B) Vehicles previously titled in Indiana. (1) Any person applying for title on a vehicle currently titled in Indiana must surrender a properly signed-over certificate of title at the time of application.

(2) If the vehicle was purchased from an Indiana dealer, proof of payment of sales (use) tax on a form designated by the commissioner must accompany the application. If the vehicle is purchased from a private owner or an out-of-state dealer, the sales (use) tax will be collected by the branch of the bureau of motor vehicles.

(3)(a) If the purchaser is unable to obtain a properly signed-over title and the vehicle in question is valued at twenty-five hundred dollars (\$2,500) or less, the purchaser may present:

(1) A notarized bill of sale.

(2) An affidavit of ownership on the form designated by the commissioner.

(3) A registered letter sent to the registered owner at their last known address returned to the sender unclaimed and unopened.

(4) A police check.

(5) A lien release, if necessary.

(b) Title will be issued if in the opinion of the bureau there is enough evidence to substantiate ownership.

(c) If the vehicle in question is valued in excess of twenty-five hundred dollars (\$2,500) a court order from a court of competent jurisdiction pursuant to that court's equitable or legal powers will be required.

(C) Foreign vehicles. (1) A person applying for Indiana title on a vehicle from a foreign country must meet the same

requirements as is required in subsection (B) for an out-of-state vehicle.

(2) United States government verification will be accepted as proof of ownership from military personnel.

(3) Indiana sales (use) tax is due on any title application that is accompanied by an out-of-country ownership document. Military individuals are included.

(4) A police check is required on all military-registered, government-owned, and out-of-country vehicles seeking an Indiana title.

(D) Lien addition titles. (1) In order to record a lien on an Indiana title, a new title must be applied for.

(2) A title application must be completed noting the new or additional lienholder.

(3) The title application must be signed by the applicant and notarized. If the original title shows joint ownership, the application must be signed by all parties.

(4) On a form designated by the commissioner, the applicant must note exemption from payment of sales tax.

(5) To record the additional or new lien, the title fee must be paid. (*Bureau of Motor Vehicles; (9-1-2-2)-2; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 139; filed Sep 23, 1988, 8:30 a.m.: 12 IR 252; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-12 Correction of assignments

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 12. Procedures and requirements for correcting erroneous assignment. (1) Erroneous assignments of title may be corrected by affidavit executed by the seller.

(2) The affidavit may not be executed by the individual to whom the assignment was made.

(3) All affidavits to correct erroneous assignments must be executed within thirty (30) days from the notary date on the title's erroneous assignment.

(4) If the error is not discovered within thirty (30) days of the notary date on the erroneous assignment, the person making the error must apply for a duplicate title and then make the proper assignment. (*Bureau of Motor Vehicles; (9-1-2-2)-3; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 140; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-13 Certificates of origin; contents; assignment

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-23

Sec. 13. Certificates of origin. (1) Certificate of Origin must accompany the sale or other type of disposal of a new motor vehicle by a manufacturer or dealer.

(2) The Certificate of Origin shall include but is not limited to the following:

(a) Make, year, body type and model of the motor vehicle

(b) Name of the manufacturer

(c) Motor vehicle identification number

(d) Miscellaneous date: engine size, additional equipment

(3) Provision shall be made so that the Certificate of Origin may be assigned to a purchaser. (*Bureau of Motor Vehicles; (9-1-2-3)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 141; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-14 Dealer's title; assignment

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-23; IC 9-29

Sec. 14. Dealer's titles. (1) Motor vehicle dealers may title a vehicle in the name of the dealership.

(2) A vehicle titled by a registered dealer for the purpose of resale is not subject to a delinquent title fee. However, a vehicle titled in the dealership name for use by the dealership thus not subject to resale, is subject to the delinquent title fee. Likewise, the foregoing exclusion from the delinquent fee does not apply to a dealer which titles a vehicle in a name other than the dealership's

for leasing purposes.

(3) A registered dealer may assign an Indiana title (transfer ownership) of a vehicle without applying for title. The assignment is executed by completing the assignment space provided on the reverse side of the certificate of title.

(a) The assignment may be made to a purchaser or to another dealer that dealer may in turn reassign title by utilizing the form designated by the Commissioner.

(b) A total of three (3) dealer reassignments may be made. After three (3) reassignments the last named purchaser, whether dealer or individual, must apply for title.

(c) The first two (2) reassignments may be executed utilizing the section designated "first reassignment by registered dealer only", and "second reassignment by registered dealer only". The third reassignment may be made on a form designated by the Commissioner after which the last named purchaser must apply for title.

(d) In making the assignment or reassignment the dealer must place his dealer number on the document.

(e) Anyone signing any document for a dealer must state his position after his signature.

(4) A registered Indiana dealer can assign an out-of-state title on a form designated by the Commissioner. The same rule of only three (3) reassignments applies. (*Bureau of Motor Vehicles; (9-1-2-3)-2; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 141; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-15 Repossession title; resale

Authority: IC 9-14-2-2

Affected: IC 6-2.5; IC 9-17; IC 9-18; IC 9-23

Sec. 15. Procedures and requirements for obtaining a repossession title. (A) A repossession title may be issued to a lienholder upon proper application to the Bureau of Motor Vehicles on the form designated by the Commissioner.

(B) The person from whom the vehicle will be repossessed must be the last titled or assigned owner of the vehicle.

(C) Requirements for repossession

(1) If the lienholder has the title, the following requirements are necessary:

(a) The lienholder must have possession of the vehicle.

(b) The title must indicate the lien.

(c) The lienholder must make proper application for a repossession title.

(d) The lienholder must execute a certificate of repossession on the form designated by the Commissioner.

(e) The lienholder must provide a certified copy of the conditional sales contract along with the repossession application.

(2) If the owner of the motor vehicle has not applied for a title, it will be necessary for the reposessor to obtain in addition to the information delineated in subdivision (1) an assigned title or certificate of origin with the lien indicated.

(3) If the owner of the motor vehicle refuses to surrender the assigned title or certificate of origin or is unable to produce it, it will be necessary for the reposessor to obtain in addition to the information delineated in subdivision (1), a notarized affidavit indicating from whom the dealer or individual obtained the motor vehicle and to whom the dealer sold the motor vehicle.

(D) Certificate of repossession shall indicate:

(1) The owner of the motor vehicle.

(2) The owner's address.

(3) The vehicle type.

(4) The vehicle's identification number.

(5) The lien on the vehicle.

(6) The lienholder of the motor vehicle.

(7) The lienholder's address.

(E) If a financial institution has been assigned the lien from the original lienholder, the financial institution must obtain either an affidavit from the original lienholder indicating the assignment of the lien or present the Indiana title with the assignment of lienholder's interest on the front of the title properly executed.

(F) Anyone holding a chattel mortgage or other type of lien not indicated on the title, wishing to repossess a vehicle, may obtain a repossession title by:

- (1) Submitting a repossession application along with;
- (2) A certificate of repossession and;
- (3) Providing properly executed judicial foreclosure papers.

(G) The same procedures as previously outlined are to be followed in any out-of-state repossession, whether it be a vehicle with an Indiana title and an out-of-state lien or a vehicle with an out-of-state title and an Indiana lien. A police check is necessary on out-of-state repossession.

(H) If the original owner again assumes possession of the vehicle after it has been repossessed, he must pay sales tax on the balance of the existing lien.

(I) The lienholder cannot sell a repossessed vehicle until he has obtained a title in the lienholder's name. (*Bureau of Motor Vehicles; (9-1-3.5-1)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 141; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-16 Salvage title; conversion; assignment; transfer

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18-2; IC 9-23

Sec. 16. Procedures and requirements for obtaining a salvage title. (A) Any individual who has acquired a salvage motor vehicle on or after September 1, 1975 on a vehicle model not exceeding the past five (5) model years must apply for a salvage motor vehicle title.

(1) The applicant must provide with the application an ownership document properly assigned to him or his company.

(2) The applicant for a salvage title must pay sales tax or indicate a sales tax exemption on the form designated by the commissioner.

(B) Salvage title. (1) The salvage title will appear as a regular Indiana title with the following exception:

(a) The front of the salvage title will bear the computer-typed words "Salvage title" in the lower left-hand corner between the state.

(b) The rear of the salvage title will bear a large hand-stamp indicating salvage title and reassignment rights covering the entire second reassignment portion of the title.

(C) Assignment of salvage title. (1) Any person having a salvage title in their name will simply assign the salvage title to a purchaser upon sale of the salvage motor vehicle. The purchaser, unless he is a registered Indiana dealer, must then apply for a new salvage title within twenty-one (21) days or pay a delinquent fee.

(2) If a salvage title is assigned to a registered dealer, the dealer may make one (1) reassignment to another purchaser.

(a) The assignment is made in the space provided on the title for first reassignment.

(b) The purchaser including dealers must then apply for another salvage title after the first reassignment.

(c) No second reassignment may be made on a salvage title.

(D) Converting salvage title to regular title. (1) Any person holding an Indiana or out-of-state salvage title for a vehicle that has been rebuilt may apply for a regular Indiana certificate of title. The following documents must accompany the application for title:

(a) Affidavit of restoration on the form designated by the commissioner.

(b) Police check on affidavit of restoration.

(c) Salvage title on the motor vehicle.

(2) An individual or dealer holding a salvage title may restore the vehicle but wish to sell the rebuilt vehicle without a regular title in the seller's name.

(1) The seller may furnish the purchaser with salvage title.

(2) The affidavit of restoration.

(3) The police check on the affidavit of restoration.

(4) Based upon the foregoing the purchaser may apply for a regular title on the vehicle.

(E) Salvage title transfer. (1) An individual that purchases a salvage vehicle with an accompanying salvage title must apply for another salvage title.

(a) The purchaser cannot, if the vehicle is in salvage condition, convert to a regular title.

(b) An Indiana salvage title transferred to another Indiana salvage title does not require a police check. However, an out-of-

state salvage title does require a police check.

(F) A motor vehicle issued a salvage title may not be registered under IC 9-18-2. (*Bureau of Motor Vehicles; (9-1-3.6-3)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 143; filed Sep 23, 1988, 8:30 a.m.: 12 IR 253; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-17 Motor vehicle identification number; application

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18; IC 9-22

Sec. 17. Procedures and requirements for making application for a motor vehicle identification number. (A) All vehicles titled in Indiana must have a motor vehicle identification number stamped or attached to the vehicle.

(B) If a vehicle, for some reason, does not have an identification number, one must be applied for before the vehicle may be titled.

(C) The following information must accompany the application for a special motor vehicle identification number:

(1) All major parts of assembled vehicles must have bills of sale and/or title.

(a) A bill of sale shall consist but is not limited to the purchaser's name, and address, complete description of the part (year, make, and serial number), price, and signature of seller.

(b) Major parts shall be considered the following:

(1) Cycle-frame and engine

(2) Trailer, semi or recreational vehicle-chassis and body

(3) Automobile-chassis, body, and engine

(4) Truck or semi-tractor-chassis, body, and engine

(c) Either a title or Affidavit of Ownership, as prescribed in section 11 of this rule, is required for the frame (chassis).

(2) If the applicant has reassembled a car, trailer, truck, or recreational vehicle, a picture of the completed vehicle must accompany the application.

(3) A police check verifying that the vehicle identification number no longer exists in a useable form.

(4) Must provide any additional titling information designated by the commissioner.

(D) The following procedure should be followed when applying for a special motor vehicle identification number.

(1) The application should be processed through the branch of the bureau of motor vehicles.

(2) The bureau of motor vehicles based upon the foregoing will assign a vehicle identification number to the vehicle.

(3) The vehicle identification number then must be verified as being properly placed upon the vehicle by a police check.

(4) Based upon the foregoing, title may be issued on the vehicle.

(*Bureau of Motor Vehicles; (9-1-5-1)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 144; filed Sep 23, 1988, 8:30 a.m.: 12 IR 254; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-18 Correction to vehicle identification number

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-18; IC 9-23

Sec. 18. Procedures and requirements for correcting a motor vehicle identification number.

(A) Fee. (1) If the title is issued incorrectly and it is an error of the Bureau of Motor Vehicles or one of its branches, the correction will be made free.

(2) If a title is issued incorrectly and it is discovered not to be an error of the Bureau of Motor Vehicles or one of its branches, then a title fee assessed by the Commissioner will be charged for the corrected title.

(B) Error in certificate of origin given to the purchaser by the dealer. The following information is necessary to effect the correction of title:

(1) Correct certificate of origin

(2) Affidavit from dealer explaining the mistake

(3) Police check

(4) Title application

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- (5) Title fee
- (6) Title issued by mistake

(C) If the dealer has switched the certificates of origin thus giving two purchasers incorrect title, both parties must apply for corrected title. The following information is necessary to effect the correction of title:

- (1) Both incorrect titles
- (2) Affidavit from dealer explaining error
- (3) Police check
- (4) Title application from each purchaser
- (5) Title fee

If one of the parties can not be contacted, a registered letter must be sent to the unlocated party return receipt request and returned unopened.

(D) An error on a title of a vehicle five (5) years old or older and not an error of the Bureau of Motor Vehicles or one of its branches. The following procedure is necessary.

- (1) Police check.
- (2) Title inquiry by the Bureau to determine if the vehicle described on the police check has ever been titled.
- (3) Correction may be processed if no other title outstanding.
- (4) If another title is outstanding, the outstanding title will be verified by police check.
- (5) If the police check does not resolve the problem, the title division should be contacted for resolution of the problem so that the vehicles may be properly titled.

(E) An error in an out-of-state title. (1) The Bureau will correct the error in the model portion of the vehicle identification number.

- (2) This correction will be based upon the police check required on all vehicles entering Indiana.
- (3) No error in the production or sequence portion of the identification number on the title of an out-of-state vehicle will be corrected until either a corrected title or a verification of error is obtained from the state of origin.

(F) Any request for correction on a vehicle type will be handled as a body change title.

(G) The following general information should be utilized as the standard procedure in any transaction:

- (1) All affidavits must be explicit.
- (2) A police check is a visual inspection of the identification number on the vehicle itself. It is not necessary for any title or other documentation be shown to the police officer making the police check.
- (3) A state police check is required only when there is unusual or suspicious circumstances surrounding a particular transaction.

(Bureau of Motor Vehicles; (9-1-5-1)-2; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 144; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230)

140 IAC 6-1-19 Levy on mechanic's or garage lien; title

Authority: IC 9-14-2-2

Affected: IC 9-17; IC 9-22

Sec. 19. Procedures and requirements for obtaining title through a garage or mechanic's lien. (A) If, after thirty (30) days from the date on which a vehicle is left by its owner for storage and/or repairs, the owner fails to claim the vehicle and pay the storage and/or repair charges incurred, the vehicle may be sold to pay those charges utilizing the following procedures:

(1) The owner must be notified by registered mail return receipt requested of the mechanic's intention to sell the vehicle at public auction if the charges are not satisfied.

(a) If the owner's name and address are unknown, this information may be obtained from the bureau of motor vehicles or appropriate agencies in another state where the vehicle is registered.

(b) If the letter is returned, it should be kept unopened and submitted with the application.

(c) If the letter is not returned, the signed return receipt, along with a copy of the letter, should be retained and submitted with the application.

(2) If the vehicle has a lien against it, the following procedure should be adhered to:

(a) A registered letter must be sent to the lienholder informing him of the charges against the vehicle and of the

mechanic's intention to sell the vehicle.

(b) The letter should request a lien release.

(c) If the lien has not been satisfied, the mechanic should keep the return receipt of the registered letter or the letter returned unopened.

(d) The return receipt and copy of the letter or the unopened returned letter from the lienholder should accompany the title application.

(3) A police check must be made on the vehicle to be sold.

(4) If the owner refuses to pay the unpaid charges on the vehicle, an advertisement must be placed in a newspaper of general circulation in the city of the seller's place of business.

(a) The advertisement should be run at least fifteen (15) days before the vehicle is sold at public auction.

(b) The advertisement should contain at least the following:

(1) Description of the vehicle including make, type, and identification number.

(2) The amount of unpaid charges.

(3) The time, date, and place of sale.

(4) A sales certificate on the form designated by the commissioner must be completed by the seller.

(B) All of the foregoing information must be provided by the seller to the purchaser. Based upon this information, the purchaser may apply for a title in his name to the bureau of motor vehicles. (*Bureau of Motor Vehicles; (9-9-5-6)-1; filed Feb 13, 1978, 10:31 a.m.: Rules and Regs. 1979, p. 145; filed Sep 23, 1988, 8:30 a.m.: 12 IR 254; errata filed Aug 10, 1992, 3:00 p.m.: 15 IR 2595; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

140 IAC 6-1-20 Stop title orders; removal

Authority: IC 9-14-2-2

Affected: IC 9-17

Sec. 20. Procedures and Requirements to obtain a stop title order. (1) Definitions: (A) Stop title order: An administrative order based upon proper supporting evidence that will permanently or temporarily suspend the Bureau of Motor Vehicles processing or future processing of a title application and the subsequent issuance of a new certificate of title.

(B) Law enforcement: Any local, state or federal agency engaged in the enforcement of Indiana's laws.

(C) Bureau of Motor Vehicle branch: Any duly authorized branch location of the Indiana Bureau of Motor Vehicles.

(D) Attorney: Any person duly authorized to engage in the practice of law in the State of Indiana or any other state.

(2) Automatic Stop by Computer: A stop will automatically be placed upon the further processing of an application for any title determined to have already had a title issued as a result of a duplicate certificate of origin, a duplicate title, or duplicate motor vehicle identification number.

(3) Law Enforcement Request: A stop will be placed upon the further processing of a title application or title as a result of a written request by any local, state or federal law enforcement agency.

(A) The written request need only identify the requesting law enforcement agency or officer and give a brief reason for the stop title request.

(B) The stop title order requested by a law enforcement agency may only be removed by the requesting agency or officer, by court order or by the Commissioner within his discretion.

(4) Bureau of Motor Vehicle Branch Request: A stop will be placed upon a title application as a result of a request from a branch of the Bureau of Motor Vehicles.

(A) The stop title order will only be applicable to the original title application.

(B) Stop orders will not be placed upon titles which have already been issued.

(C) The stop title order requested by a branch of the Bureau of Motor Vehicles may only be removed by the requesting branch, by court order, or by the Commissioner within his discretion.

(5) Attorney Request: A stop will be placed upon the further processing of a title application or title upon the written request of any attorney.

(A) The written request must identify the attorney and give a brief summary of the facts behind the stop title request.

(B) Within twenty (20) days of the initial stop title request the requesting attorney must provide proof satisfactory to the Commissioner that the stop title order should be continued.

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(C) Absent the foregoing proof substantiating the requesting attorney's stop title request, the Bureau of Motor Vehicles will after the expiration of the twenty (20) day period remove the stop title order.

(D) Any party adversely effected by a stop title order requested by an attorney may provide proof satisfactory to the Commissioner that the stop title order should not be continued. The Commissioner may, based upon this evidence, remove the stop title order.

(E) Individuals may not obtain a stop title order except through their attorney.

(6) Title Error: A stop title order may be placed upon processing of any title application or any title when it is discovered that an error has been made in the data necessary to insure a valid title. This stop title order will remain in effect until the error is corrected or until the Commissioner within his discretion removes the stop title order.

(7) Removal of Stop Title Order: At any time the Commissioner within his discretion may remove a stop title order as a result of an excessive time span, change in supporting circumstances or administrative need. (*Bureau of Motor Vehicles; Title Rule 20; filed Jan 14, 1980, 11:50 a.m.: 3 IR 159; errata, 3 IR 2252; readopted filed Jul 30, 2001, 10:29 a.m.: 24 IR 4230*)

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