Montana Department of Justice
MVD
Motor Vehicle Division
Safety • Efficiency • Dependability
Title and Registration Bureau

Title Manual

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Bonded Titles [Rev. 7/24/13]

Only Montana residents can apply for a bonded title.

If a person acquires any type of motor vehicle or trailer that is valued at more than $500 and the previous owner cannot be located to complete a proper transfer, that buyer must apply for a bonded title.

The buyer must obtain a three-year bond from a surety company in an amount equal to the value of the vehicle, as determined by a national appraisal guide or the applicant.

If the seller is a licensed Montana dealer, that dealer must apply for the title using this procedure and then transfer to the buyer.

The County Assessor Office must determine the value on a manufactured home.

The value cannot be entered as "value not available" on the Application for Break/Bond Title; **a dollar amount must be entered as the value**.

If the title is issued, the printed title will include language noting *Bonded title expires: MM/DD/YYYY* and the Transfer Reason prints *Break in Ownership*.

After the bond expires, a new Montana title may be issued without the bond designation and expiration date. The registered owner must submit the title or, if the title is lost, the Application for Replacement Certificate of Title (Form MV7) and applicable title fees to the TRB.

A surety bond may not be required if the value of the vehicle/trailer is $500 or less. See the Application for Break/Bond Title (Form MV10).

The Bonded title process is used to title a Japanese mini-truck that is street-legal. See information under nonconforming vehicles (page 30).

Bonded Antique and Vintage Vehicle Title

On all vehicles 1955 or older where the existing Vehicle Identification Number (VIN) is not readily accessible and visible to plain view, the owner/applicant shall expose the VIN by means necessary to identify it, and subsequently stamp that same VIN sequence onto the driver side principal frame member near the front of the vehicle, thereby providing a plain view identification means. In order for the process to be valid, an inspecting officer must visually verify that the VIN stamped on the frontal portion of a frame member is the same VIN originally identifying the vehicle. This would require the officer to be present at a time when the original VIN is visually identifiable; i.e., when the obstruction has been removed. For example, it would be necessary to displace the cowl area of the 1928-31 Model A vehicles for the inspecting officer to confirm the original VIN with the dealer-stamped VIN.

Each vehicle (1955 and older) having a VIN that is illegible, mutilated, or absent shall be issued a state-assigned serial number by the TRB prior to registration. The assigned-number shall be affixed upon the driver side principal frame member near the front of the vehicle by a TRB employee where it can be clearly and readily seen. State-assigned numbers will also be issued in cases where the engine is the only vehicle component bearing a VIN. No certificate of ownership shall be issued without a serial number permanently identifying the vehicle.

Bonded Out-of-State Title [Rev. 7/24/13]

If an out-of-state bonded title is submitted to obtain a Montana title, the Montana title will be issued showing the bond brand and bond expiration date. If the expiration date has expired, the date will not show on the Montana title. If the out-of-state title does not list the bond expiration date, the customer will need to submit verification from the State that issued the title verifying the expiration date.

How to Apply for a Break/Bonded Montana Title [Rev. 7/24/13]

An application for Break/Bond Title (Form MV10) may be used when an applicant cannot provide a certificate of title assigning the prior owner's interest in a vehicle.

1. Complete form MV10
2. Have a law enforcement officer complete a Stage 1 vehicle inspection - Form MV20.
3. Submit proof of purchase (e.g., cancelled check, bill of sale, invoice, etc.)
4. Provide a surety bond for vehicles valued over $500

   Surety Bond: A one-time, nonrefundable instrument that allows the issuance of a new title. The value of a vehicle determines whether or not a surety bond is required.

5. The surety bond may be obtained through any insurance company authorized to do business in Montana. The surety bond must:
   - Be in an amount equal to the value of the vehicle for which the application is being made, as determined by the national appraisal guide or the applicant.
   - Be conditioned to indemnify a prior owner, lienholder, subsequent purchaser, secured creditor, or encumbrancer of the vehicle and any respective successors in interest against expenses, losses or damages, including reasonable attorney fees, caused by the issuance of the certificate of title or by a defect in or undisclosed security interest upon the right, title, and interest of the applicant in the vehicle.
6. If you wish to **title and register** the vehicle, take the documents outlined in this section to your County Treasurer's office to apply for a title and obtain license plates, a registration sticker, or a Montana vessel number.

   If you wish to only **title** the vehicle, send the following documents directly to the Title and Registration Bureau:

   - Form MV10
     - Vehicle inspection form MV20
   - Proof of purchase (e.g., cancelled check, bill of sale, invoice, etc.)
   - Surety bond (if applicable)
   - Applicable fee: $12 for light vehicles, trucks, and buses all weighing one ton or less; $10 for all other vehicles. Additional taxes and fees may be due upon registration.
7. After the bond expires, a new Montana title may be issued without the bond designation and expiration date. The bond expiration date is located on the face of the Montana title. The registered owner must submit the title; or, if the title is lost, the MV7 application and applicable title fees to the Title and Registration Bureau.

Campers – Slide In

Note: MCA 61-3-518 was repealed with the effective date of 1/1/2004; slide-in campers are no longer required to be registered.

A. Campers 1991 and newer must be titled. A person must furnish proof of ownership in the form of a Manufacturer's Certificate of Origin (MCO), out-of-state title, notarized bill of sale or a conditional sales contract in his/her name.

   Montana will not issue titles on these truck campers if they are older than 1991.

   If a camper does not have a manufacturer's identification number, one will be assigned by the State. A camper-owner must apply to the Title and Registration Bureau (TRB) explaining the need for the number. If the application is approved, a non-removable decal will be affixed upon the entrance of the camper.

The camper must be inspected prior to applying for the number to verify that no number exists.

There is a $5 fee for the state-assigned number.

B. To obtain a Montana title the following required documents must be submitted to the TRB:

1. The proof of ownership as listed above in subsection A.
2. Application for Certificate of Title (Form MV1).
3. The $10 title fee.
4. The inspection, if the camper does not have a manufacturer's identification number, as listed above in subsection A (Form MV20).

C. If there is a lien to be perfected, the paperwork will need to be submitted through the appropriate county treasurer's office. The county will enter the transaction and perfect the lien, but will not register. The county will forward the paperwork to the TRB.

Certificates of Title

Affidavits

A. Statement of Error must be completed on the Statement of Fact (Form MV100).

1. Purpose: The Statement is used to correct such common errors as:
   a. The misspelling of a name.
   b. Entering a name in the wrong section of an application.
   c. Entering the wrong amount for the security interest or lien. A copy of the security agreement or lien contract must accompany the statement.
   d. Written names added to the face of a title.
   e. The wrong name entered as purchaser. This correction is accepted from a dealer or county operator only.
   f. If the county treasurer operator enters the wrong secured party or lienholder name when processing the transaction, that operator may complete the statement of error. The statement must include the name of the wrong secured party or lienholder, the correct secured party or lienholder, the county operator name and the county for which he/she works. The operator who made the error must sign the statement.
2. A statement of error should not be used to explain a complete erasure. The title should be voided and a replacement obtained.
   a. If the information deleted or erased was an owner name, secured party or lienholder, signatures, vehicle description, etc., and the seller cannot be located to obtain a replacement title, the applicant will need to obtain title using the bonded title procedure. See Bonded Titles.
   b. The white correction ink (White-out) will be treated as an erasure.
   c. However, if the information that was erased or deleted is the address, the TRB will accept a Statement of Error.

   The statement, in addition to explaining the error, must also contain the title number or complete vehicle description, a notarized signature (unless using Form MV100) and the business name and capacity of the person making the statement.

B. Bill of Sale (Form MV24):

1. Information required: A bill of sale must show the year, make and VIN. It must also have the name of the purchaser, a notarized signature of the seller, and the date-of-sale. It must be the original, not a certified copy.
2. Secured party or lienholder on bill of sale: If a secured party or lienholder is indicated, the security interest or lien must be entered on the title application or a statement must be obtained from that secured party or lienholder stating that they have no lien or security interest to file in the vehicle.

   Note: Montana title:

   a. A bill of sale cannot be used to transfer ownership of a Montana title. All of the registered owners must sign-off (in ink) on the title itself.

   b. If a vehicle has been sold to a Montana resident and the buyer enters his/her name as purchaser in the title application section, but resells it before having the title transferred, the original buyer must complete the titling process. A bill of sale will not be accepted, because a person can only transfer ownership of a motor vehicle that has been titled and registered in his/her name, unless the person is a licensed dealer who is signing off on the title itself. Therefore, only a registered owner or a dealer can sell a motor vehicle.

   c. If a vehicle has been sold to an out-of-state resident and that buyer enters his/her name as purchaser in the title application section, but resells it before having the title transferred, a bill of sale would be acceptable because the original buyer is not a Montana resident.

   Note: Foreign/Out-of-State title:

   a. A bill of sale can be used in transferring first or subsequent interests in a foreign title, **if** the seller is not a Montana resident or a licensed Montana dealer. A Montana resident acquiring the vehicle must title and register the vehicle before transferring ownership.

   b. The registered owner of a foreign title can sign-off on the title itself, or sign a notarized bill of sale.

   c. The foreign/out-of-state title must accompany the bill of sale.

C. No Interest Statement; Statement of Fact (Form MV100):

1. The No Interest Statement can be used by a Montana resident when a sale has been canceled and the vehicle is returned to the dealer within 40 days from the date-of-sale (date on the 40-day permit). If the name of an out-of-state resident appears as purchaser, a no-interest statement or a bill of sale will be accepted even though there was no canceled sale.
2. When a person named as purchaser was authorized to purchase the vehicle for another party, both the persons named on a Manufacturer's Certificate of Origin (MCO) or title and the applicant(s) must sign a sworn affidavit to this effect. (An example would be a son purchasing a new vehicle out-of-state for his father.) This affidavit must be accompanied by a No Interest Statement (not a bill of sale).
3. If a secured party or lienholder appears in the assignment section and that secured party or lienholder does not wish to file the security interest or lien, and the security interest or lien has not been perfected at the appropriate county treasurer's office or the TRB, a No Interest Statement will be accepted in lieu of a No Security Interest or No Lien to File Statement completed on the Statement of Fact (Form MV100). However, if the security interest or lien has been perfected at the county treasurer's office or TRB, a release of security interest or lien will be required.
4. If a person has applied for a title and has been issued license plates, and the application has been returned for correction, and the applicant has disposed of the

vehicle, a No Interest Statement form from the applicant is not acceptable. The titling process must be completed so the license plates can be recorded in the motor vehicle file.

5. A No Interest Statement must contain a full description of the vehicle, a statement that the sale was canceled, and the notarized signatures of all persons who are disclaiming interest in the vehicle.

6. A person, who purchases a vehicle and re-sells it before titling, cannot use a No Interest Statement to remove his/her name as purchaser if he/she is a Montana resident. he/she must first title and register the vehicle.

7. If there are multiple applicants, and one or more-BUT NOT ALL-do not want to title, the TRB will accept No Interest Statements to delete their name(s) from the application. If there is a security interest or lien, a statement from the secured party or lienholder authorizing the deletion of their name(s) will be required.

   When the name of the owner(s) on the face of the title is shown as purchaser in an assignment section, a No Interest Statement is acceptable and he/she will not be required to title and register the vehicle.

D. No Security Interest or No Lien to File Statements (must be completed on the Statement of Fact Form MV100):

1. When to use: The No Security Interest or No Lien to File Statement is used when: a security interest or lien is entered on a title application in error; a security interest or lien was to be filed but the loan was paid before the security interest or lien was perfected; or, a sale has been canceled. A release of security interest or lien release cannot be used in lieu of a No Security Interest or No Lien to File Statement. A release of security interest or lien release is used after a security interest or lien has been perfected or filed.

   - If the dealer made an error in entering the wrong secured party, they will be required to obtain the statements listed above from the secured party.

2. Information required: The No Security Interest or No Lien to File Statement must contain the name(s) of the person(s) against whom there is no security interest or lien to file and a complete description of the vehicle involved. The secured party or lienholder being deleted must sign the statement, and if signing for a commercial entity he/she must give his/her official capacity.

   If there was a canceled sale, the No Security Interest or No Lien to File Statement must contain the complete description of the vehicle and state that the secured party or lienholder has no security interest in the vehicle. If the secured party or lienholder is the secured party or lienholder for the new buyer the statement must include the names of the person they have no security interest or no lien to file against.

E. Letter of Consent:

A letter of consent is a written authorization to add a name to or delete a name from a title application. The letter of consent can only be used to delete an applicant if there is more than one applicant on the paperwork; it cannot be used to delete a person because he/she has disposed of the vehicle before titling and registering.

1. If the letter of consent is from the lienholder and is on the secured party or lienholders letterhead or the Statement of Fact (Form MV100), notarization is not required. The letter or statement does not need to indicate that the lienholder has no lien to file against the person who is being deleted from the application, only that they consent to that person not being listed on the title. The person signing either form must disclose his/her official capacity for that company.

2. If the letter of consent is not on the Statement of Fact (Form MV100) or the secured party or lienholder's letterhead (if from the secured party or lienholder), notarization is required.

3. A No Interest Statement is required from the person being deleted from the application and must accompany the letter of consent.

F. One and the Same Statement must be completed on the Statement of Fact (Form MV100).

1. Required when:

a. A One and the Same Statement is used when a person's name appears in the title application documents in several different ways (e.g., Bill Smith and William Smith). A notarized affidavit has to be made stating that both names are the same person.

1. The affidavit is not required for name variances on Montana titles that have been issued since 1988 and MV1 title applications because the One and the Same Statements are included in the certification language wherever a signature is required on these forms. As other form supplies are being replenished they will also include the One and the Same Statement so separate affidavits will not be required. Check the forms for built-in statements before requiring separate affidavits.

2. Exceptions and Examples

If the only difference in the names is initials, and the form does not have the built-in One-and-the-Same language, the following examples will show when a statement will or will not be required:

a. An applicant's name is typed W. A. Smith. He signs William A. Smith. This will not require a statement.

b. An applicant's name is typed William A. Smith. He signs W. A. Smith. This will not require a statement.

c. An applicant's name is typed W. Smith. He signs W.A. Smith or William A. Smith. A statement is required because of the middle initial.

d. An applicant's name is typed William Smith, Jr. He signs William Smith. A statement is required.

e. An applicant's name is typed William Smith. He signs William Smith, Jr. A statement is required.

G. Cancellation of Sale Statement

1. If a sale has been canceled, the paperwork can be returned only to the selling dealer before the 40-day permit is expired and at the appropriate county's discretion after the dealer has provided a statement to the county that the sale was canceled. If a security interest or lien has been perfected, the secured party or lienholder will have to provide a statement that the security interest or lien has been revoked (see Revocation of Lien or Security Interest). If the security interest or lien has not been perfected the secured party or lienholder needs to provide a statement that they have no security interest in the vehicle. The statement must include the complete vehicle description.

If the secured party or lienholder is the same secured party or lienholder for the new buyer the statement will need to include the name of the person(s) they have no security interest or lien to file against.

2. If the 40 days has expired, the owner must complete the registration and titling process.

3. The Cancellation of Sale statement should be attached to the documents being returned to the dealer to support the No Interest Statement from the purchaser who returned the vehicle.

4. If the sale between private parties is cancelled within 40 days of sale, the Cancellation of Sale Statement signed by the seller and buyer indicating why the sale was cancelled, the No Interest Statement from the buyer, the Montana title and $10 title fee must all be submitted to the TRB. A new Montana title will have to be issued back into the seller's name. The original title cannot be used to transfer to a third party. If it is after 40 days from the date-of-sale, the purchaser will have to complete the registration and titling process.

Canadian Vehicles

A. New Vehicle Information Statement (NVIS) Form

This document is printed for and issued by the Canadian manufacturer for all vehicles produced for the Canadian market. The NVIS specifies vehicle particulars and serves as the 'birth certificate' of the VIN; it is not to be used as a certificate of ownership. The document was introduced in Canada to enhance the accurate recording of the VIN on the registration document. The NVIS accompanies the vehicle to the dealer. The dealer and purchaser sections are completed upon the sale of the vehicle. The document itself has no security features and is only valid when accompanied by supporting documents.

Printed at the bottom of the NVIS Form is the language "This is not a titling document." The NVIS form must always be accompanied by a bill of sale from the dealer whose name appears in the dealer section at the bottom of the form.

Exception: NVIS forms are not issued on vessels manufactured in Canada.

B. Documents Required:

1. Application for a Montana title (Form MV1).

2. NVIS Form accompanied by a notarized bill of sale or a Canadian registration properly released by the registered owner.

   a. Some Canadian registrations provide that the seller's signature in the release section is sufficient to transfer ownership. Others require a separate bill of sale. If the release section requires it, a bill of sale must be submitted.

   b. The registration from the province of Alberta has a Section 1 and Section 2. Section 2 must be submitted to title the vehicle in Montana; Section 1 is desirable but not required.

   c. If the Canadian registration indicates the vehicle is a leased-vehicle the lease pay-out documents are required to obtain a Montana title.

3. Vehicle/Vessel Identification Number Inspection Certificate (Form MV20).

4. Customs Entry Documents (original, photocopy or fax is acceptable) as long as there is a customs entry stamp on the document (exception see "b" below):

   a. Documents must be U.S. Customs forms, not Canadian.

   b. If the 3461ALT is copied onto a U.S. Customs Broker invoice there needs to either be an original custom entry stamp or if the customs entry stamp is a copy the 11-digit entry number (found under the bar code on the 3461ALT) should have been written on the U.S. Customs Broker invoice before it was

photocopied. If the 11-digit entry number is not shown on the U.S. Customs Broker invoice the customs entry stamp must be an original.

c. If the entry form is #CF7501, there is no place on this form for a customs entry stamp or signature so they are not required. The vehicle description is required.

d. The Customs entry document must contain the vehicle description or at least the VIN.

e. Customs entry document is required for all used vehicles, vessels, trailers, snowmobiles and ATVs.

f. Customs entry document is not required for new vehicles, trailers, vessels, snowmobiles or ATVs if the MCO indicates the manufacturer sold it directly to a Montana dealer or Montana resident.

g. For a list of the customs entry stations where vehicles can be entered and documents obtained, visit the U.S. Customs and Border Protection website at http://www.cbp.gov/xp/cgov/toolbox/contacts/ports/mt/.

Cancellation of Title

A. Upon its determination that a certificate of ownership or a registration receipt contains an error or that the applicant has paid the required fees and taxes with an insufficient funds check and if the Department has been notified of that fact by the County Attorney, the Department may cancel the certificate of ownership or receipt and, in the case of an error, issue a replacement for the erroneous certificate or receipt if the owner has returned the certificate or receipt to be canceled. If the owner fails to return the certificate of ownership, the registration receipt, or the license plate to the Department, the Department shall direct a peace officer or Department employee to secure and return the certificate, receipt, or license plate to the Department.

B. Any person who fails to return a certificate of ownership or a registration receipt that contains an error or that has been canceled by the Department due to an insufficient funds check, as provided in sub-section A (above), after receiving actual notice of the Department's demand for the return of the certificate or receipt, as required by subsection A above, is guilty of a misdemeanor and upon conviction may be fined.

Divorces

A. Friendly Divorce: Owner(s) simply sign-off the title and the vehicle is transferred to the recipient or new purchaser. Treat it as an ordinary title transfer.

B. Unfriendly Divorce:

1. A certified copy of the divorce decree containing the vehicle description must be submitted, and it **must** be certified by the Clerk of Court. If the decree does not contain a vehicle description, a certified copy of an amendment to the decree must be submitted. If the decree lists only the year and make of a vehicle and the owner owns more than one vehicle of that description the amendment to the decree verifying the complete vehicle description is required.

2. If the divorce decree states that one of the parties has to transfer the "title" to the other party, or in some way infers that the "title" has to be signed-off, then the title has to actually be signed-off by all parties named on the title. An Application for a Montana Title is not required.

3. If the vehicle is titled in the name of both owners and the divorce decree states that the vehicle was awarded to one of the parties, the person awarded the vehicle is not required to obtain a title in their name before transferring. The title can be transferred

to a third party using the certified copy of the decree and the signature of the person awarded the vehicle as seller.

4. If the vehicle is titled in only one of the names and the vehicle is awarded to the party not listed on the title, the person the vehicle is awarded to must title first before selling.

5. If the divorce decree states the vehicle was awarded to one of the parties and the title is not available or is not properly executed, the recipient is only required to complete the Application for Title (Form MV1) and submit it with the divorce decree to have the title issued in his/her name.

   - An exception would be if the divorce decree states the person who did not receive the vehicle in the divorce must sign-off the title.

6. Foreign or out-of-state titles involved in a divorce can be transferred in Montana in the same manner as a Montana title, with the exception that the foreign or out-of-state title must be submitted with the application. If the title cannot be obtained the applicant will need to title using the bonded title procedure. See Bonded Title procedure.

7. If there is a security interest or lien filed on the title it will be printed on the new title unless a release of security interest or lien is submitted.

Donated Vehicle

If the charity name is shown as purchaser on the title application, they will need to register and title before transferring.

The title must be in the name of the party donating the vehicle, with the exception of a licensed dealer. The dealer can use the assignment on the title to transfer to the charity.

Dune Buggies

A. Made From an Existing Vehicle

If a dune buggy was made from an existing vehicle (e.g., a Volkswagen) the TRB must have the title, a Statement of Inspection, and an Affidavit of Correction (Form MV11AB). The year will be the same as shown on that title. If the title is not available, a replacement will have to be obtained.

If the body was purchased, no title was received and the registered owner cannot be located, see the Bonded Title procedure.

B. Manufactured Dune Buggy Body

1. Submit the Manufacturer's Certificate of Origin (MCO); or if the manufacturer does not provide a MCO, submit a notarized bill of sale from the manufacturer.

2. If the body was purchased from a catalogue company (e.g., Sears) or from a store-chain (e.g., Kmart), the TRB will accept an invoice in place of a MCO.

3. Submit a notarized bill of sale for the engine.

4. Submit a Vehicle/Vessel Identification Number Inspection Certificate (Form MV20) and an Application for a Montana title (Form MV1).

5. If the vehicle has a homemade frame, a signed statement explaining the materials used to build the frame must be submitted.

B. If the inspecting officer cannot locate the VIN on the vehicle, the County Treasurer may not register the vehicle and may not issue a 40 day TRP -day permit. The applicant should be instructed to send all the paperwork including the Application for a State Assigned VIN (Form MV10B) and a $8 fee to the TRB to apply for the state-assigned VIN. Upon approval, the paperwork will be returned to the applicant with a state-assigned VIN tag with instructions to have

it affixed to the vehicle by a Department employee. The Department employee will complete the inspection verifying the placement of the VIN, and give the completed and signed inspection to the applicant advising him/her to submit all the paperwork to the county for registering and titling.

D. Dune buggies will be titled as "Homemade" for the make and "Dune Buggy" for the model. Some dune buggies are manufactured from sand rail kits, in which case the model will be "Sand Rail."

E. To license a dune buggy as a street legal vehicle see the process for Non-conforming vehicle.

Estates [Rev. 7/24/13]

A. Probated Estate (Personal Representative or Executor appointed)

If the combined value of the vehicles exceeds $50,000 the property is subject to probate.

In an estate, there may be several titles in the name of only the deceased and other titles in two or more names. The titles held in only the name of the deceased or issued in two or more names listing "tenants in common" on the title have to be executed by the Personal Representative or Executor.

If there is more than one owner listed on the title and "tenants in common" is not listed on the title, it can be transferred to the survivor or a third party (survivor must sign title) using a certified copy of the death certificate for the deceased, even if the owners are not of the same immediate family.

- The only time the court papers appointing Personal Representative or Executor are required is if: the title issued is in only one name, it is in two or more names and "tenants in common" is listed on the title, or the title has been signed by a Personal Representative or Executor.

The court papers appointing the Personal Representative or Executor must be certified by either the Clerk and Recorder or the Clerk of Court.

- If there is more than one Personal Representative or Executor and their names are connected with "and," all individuals must sign. If their names are connected by "or," only one person has to sign.
- The individual appointed as the Personal Representative or Executor must enter the name of the person they are representing "by" and then sign their signature as Personal Representative or Executor.

If a surviving spouse has been named Personal Representative and property has been willed to minor children, the surviving spouse, even though he/she may be the Personal Representative, cannot sign-off a child's interest in said property unless the surviving spouse has also been appointed legal guardian of the children.

The person appointed Personal Representative or Executor must be the person who signs the documents. He/she cannot authorize another person to sign as power-of-attorney for him/her.

A person appointed as "domiciliary" Personal Representative, as identified in the court papers, is authorized to process paperwork. This just means that the estate is actually filed out-of-state, but the property is registered and titled in Montana.

The Joint Tenancy with Right of Survivorship (JTROS) relationship does not have to be shown on the title. All that is required to release the interest of the deceased is a certified copy of the death certificate, unless the title lists "tenants in common," even if the owners are not of the same immediate family.

> **Note:** Sometimes a survivor does not want to submit the portion of the death certificate explaining the cause of death and will only submit the upper half. This will be accepted as long as it is certified by either the Clerk and Recorder or Clerk of Court.

If the title is being transferred to a new purchaser, the survivor must sign-off the title as seller and have his/her/their signatures notarized. If the title is being transferred to any remaining survivors, only the survivors not remaining on the title must sign-off as seller and have their signatures notarized. If the title is to be issued to any or all of the remaining survivors, those survivors must complete the title application section on the back.

If the title is in the names of what appears to be husband and wife but the **death certificate states that the deceased is divorced**, the title can be issued to the surviving ex-spouse if a certified copy of the divorce decree is submitted showing that the vehicle was awarded to the ex-spouse. If the vehicle was awarded to the deceased, the Personal Representative/Executor must complete the title process by signing for the deceased. The divorce decree removes the ex-spouse's interest and the title can be transferred to the new owner.

If there is no divorce decree awarding the vehicle to the deceased, the title will be issued to the surviving owner.

If the survivor is going to title and add another name, he/she must sign the title application or sign-off as seller and have his/her signature notarized.

If the vehicle is titled in the names of two owners and they are both deceased, one of the owners **must** predecease the other. Therefore, the survivor would have acquired the vehicle through the joint tenancy provision **if** "tenants in common" **is not** listed on the title. Obtain a certified copy of the death certificate for the first owner who predeceased the other.

- If personal representatives are appointed for both owners, the court documents and signatures of both personal representatives will be accepted in lieu of a death certificate.

Since the surviving owner is also deceased, the property goes to the estate of the second deceased owner. Obtain a certified copy of the court order appointing the Personal Representative and the title can be transferred as a regular estate transfer.

- If "tenants in common" is listed on the title, the heir of the first deceased owner would need to provide statements releasing his/her/their interest before the title could be transferred to a third party.

If the title is not available and the vehicle is being transferred to a third party, the surviving owner or Personal Representative must apply for a replacement title so he/she can sign the title releasing his/her interest. Either the surviving owner or the Personal Representative can complete the replacement title application (Form MV7). The replacement title will be issued in both owner names and both the survivor and Personal Representative/Executor will need to sign that title as seller.

If the title is not available and the vehicle is to remain with the surviving owner, the process listed above can be followed, or the Personal Representative can use the Application for Certificate of Title for a Motor Vehicle (Form MV1) to transfer title to the survivor. The Personal Representative/Executor will use the dealer Statement of Sale on the bottom of the application. The appropriate changes in the wording of the dealer section should be made (e.g., cross out "Dealer" and enter "Personal Representative or Executor").

If the title is not available and it was in one name, the Personal Representative/Executor can either apply for a replacement title to transfer to the buyer or use the Application for Certificate of Title for a Motor Vehicle (Form MV1) to transfer title to the buyer. The Personal Representative/Executor will use the dealer Statement of Sale on the bottom of the application. The appropriate changes in the wording of the dealer section should be made (e.g., cross out "Dealer" and enter "Personal Representative or Executor").

If the title is being transferred to a new owner and there is a security interest or lien to be filed, the paperwork must be submitted through the appropriate County Treasurer's office to perfect that security interest or lien.

Titles will show existing security interests or liens with the original amount of the security interest or lien and dates if the release of security interest or lien is not included with paperwork. A lien perfection receipt is not to be issued.

The above instructions also apply to foreign and out-of-state titles **if** the original or replacement foreign or out-of-state title is available. If the foreign or out-of-state title is not available and a replacement cannot be obtained, the vehicle will have to be titled in that state before being transferred to Montana.

B. Non-Probated Estates (No Personal Representative or Executor Appointed)

The Joint Tenancy Right of Survivorship (JTROS) relationship does not have to be shown on the title. All that is required to release the interest of the deceased is a certified copy of the death certificate, unless the title lists "tenants in common," even if the owners are not of the same immediate family.

> **Note:** Sometimes a survivor does not want to submit the portion of the death certificate explaining the cause of death and will only submit the upper half. This will be accepted as long as either the Clerk and Recorder or Clerk of Court certifies it.

The survivors must sign-off the title as seller and have their signatures notarized if the title is being transferred to a new purchaser. If the title is being transferred to any remaining survivors, only the survivors not remaining on the title must sign-off as seller and have their signatures notarized. If the title is to be issued to any or all of the remaining survivors, those survivors must complete the title application section on the back.

If the title is in two or more names and "tenants in common" is listed on the title, the heir of each owner is entitled to that owner's share of the vehicle. If one of the owners dies, that person's heir needs to either release his/her interest or he/she needs to be listed on the title as the new co-owner.

If the title is in the names of what appears to be a husband and wife, but the **death certificate states that the deceased is divorced**, the title can be issued to the surviving ex-spouse if a certified copy of the divorce decree is submitted showing that the vehicle was awarded to the ex-spouse. If the vehicle was awarded to the deceased, the heirs of the deceased will need to apply for title by JTROS (Form MV12) before they can sell the vehicle. The divorce decree removes the ex-spouse's interest.

- If there is no divorce decree awarding the vehicle to the deceased, the title will be issued to the surviving owner.

If the title is in the name of only the deceased and the heirs are minor children, the title can be issued by JTROS (Form MV12) to the minor children and their legal guardian (even if he/she is the ex-spouse). A certified copy of the legal guardianship papers will need to accompany the title transfer when signing-off the title for the minor children.

If the survivor is going to title and add another name, he/she must sign the title application or sign-off as seller and have his/her signature notarized.

If the vehicle is titled in the name of two owners and they are both deceased, one of the owners **must** predecease the other. Therefore, the survivor would have acquired the vehicle through the joint tenancy provision **if** "tenants in common" **is not** listed on the title. Obtain a certified copy of the death certificate for the first owner who predeceased the other.

- Since the surviving owner is also deceased, the property goes to the heir of the second deceased owner and the title must be issued to him/her by JTROS (Form MV12).
- If "tenants in common" is listed on the title, the heir of the first deceased owner would need to provide statements releasing his/her interest before the title could be issued to the heir of the second deceased owner, or transferred to a third party.

If the title is not available and the vehicle is being transferred to a third party, the surviving owner will need to apply for a replacement title so he/she can sign the title as the Seller,

releasing his/her interest (Form MV7). The replacement title will be issued in both owner names and the survivor will have to sign that title as seller. A certified copy of the death certificate would need to accompany the title to the new owner.

If the title is not available and the vehicle is to remain with the surviving owner, he/she could obtain title by JTROS (Form MV12).

If the title is not available, and it was in two names and one person is deceased, the survivor must apply for title by JTROS (Form MV12). They can add a second person by entering that person's name along with theirs on the application.

If the title is not available and it was in one name only, the heir of the deceased would obtain title by JTROS (Form MV12).

If the title is being transferred to a new owner and there is a security interest or lien to be filed, the paperwork must be submitted through the County Treasurer's office to perfect the lien.

Titles will show existing security interest or liens with the original amount of security interest or lien and dates if the release of security interest or lien is not included with paperwork. A lien perfection receipt is not to be issued.

The above instructions also apply to foreign and out-of-state titles **if** the original or replacement foreign or out-of-state title is available.

- If the foreign or out-of-state title is not available and a replacement cannot be obtained, the vehicle will have to be titled in that state before being transferred to Montana.
- If a JTROS affidavit accompanies the foreign or out-of-state title, the applicant must complete the application for Montana title (Form MV1).

C. Deceased Did Not Complete Titling Process

When two names appear in the title application section and one of the applicants dies before the titling process is complete, the survivor can submit a certified copy of the death certificate and obtain the title in his/her name, unless "tenants in common" is listed on the application.

When two names appear in the title application section and one of the owners dies before the title is applied for and the title application lists "tenants in common," the title will be issued to the surviving owner and the heir of the deceased; or, the estate of the deceased if the estate will be probated. A certified copy of the death certificate must be submitted.

If the heir of the estate does not want an interest in the vehicle, he/she can sign a Release of Interest Statement and the title will be issued to the surviving owner.

If there is only one name on the application and that person dies and there is no estate requiring probate, the surviving heir must get title in his/her name by Joint Tenancy Right of Survivorship (JTROS) (Form MV12) before it can be transferred to a new owner.

If there is only one name on the application and that person dies and the estate is being probated, the Personal Representative can sign a no-interest statement so the vehicle can be transferred to a new owner.

If line 1 on the title application received with a MCO reads "John Doe Estate," "John Doe Trust," or "Jane Doe Guardian for John Doe" and the application is signed by a Personal Representative, Trustee, or Guardian, it will be accepted with the legal documents appointing such an agent.

D. Business Name on Title

If a title is issued in a deceased individual owner's name and a doing-business-as (DBA) business name, the DBA business name has no ownership of the vehicle. Process this under applicable estate procedures.

If the title is issued in a deceased individual owner's name and a business name (not DBA), the business will retain an ownership interest in the vehicle (unless their interest is released by a

person authorized to sign for the business) and the individual's interest will be processed through proper estate procedures.

If the title is issued in just a business name and it is a sole proprietorship, submit an affidavit that it is a sole proprietorship and process as if the business was an individual.

E. Public Administrator

A Public Administrator can settle small estates left by a deceased owner who has no known relatives. No court papers are required when a Public Administrator signs the documents; he/she does not have a notary seal.

F. Last Will and Testament

If an owner dies and leaves a will in which an Executor is named, the Executor must file for appointment as Personal Representative with the Clerk of District Court. A person does not have the authority to act as an Executor unless the will is filed with the Clerk of District Court.

If there is a Last Will and Testament appointing a Personal Representative and the will was not or could not be filed with the Clerk of District Court, or if there is no Last Will and Testament and the value of the estate is not sufficient to require probate, the TRB will accept an Affidavit for Collection of Personal Property. [MCA 72-3-1101]

G. Secured Party or Lienholder Deceased

When the secured party or lienholder is an individual who is deceased, the surviving heir can sign a release of security interest or lien as "surviving heir of John Doe" **if** there is no estate requiring probate. The surviving heir must submit a certified copy of the death certificate. If there is an estate requiring probate, the Personal Representative must sign the release of security interest or lien and a certified copy of the letters of appointment must be submitted.

Repossession: If the secured party or lienholder was an individual who is now deceased and the estate was not probated, the surviving heir can apply for the repossession by submitting a JTROS (Form MV12) along with the Application for Repossession of a Motor Vehicle/Vessel (Form MV11). If the estate was probated, to obtain a title the Personal Representative will need to complete the repossession affidavit and submit a certified copy of the court papers appointing him/her as Personal Representative. The title must be issued in the name of the estate.

Form MV1: Application for a Montana Title - How to Complete

(See Form MV1.)

Section A: Applicant Section

The applicant name in this section must agree with the applicant's signature at the bottom of the application, and must also agree with the registration receipt that is issued. Driver license number and state where the driver license is issued, FEIN, Tribal ID or Corporate ID of all applicants is required on the application.

The title will be issued with the legal name of the person as shown on their driver license.

If the applicant's name has been written and is illegible, type the correct spelling in parenthesis next to the handwritten entry.

Montana titles cannot be issued with a title preceding the owner name (e.g., DR, MR, MRS, and REV).

Montana does not recognize the conjunction “or” on Montana titles. The title will be issued without a conjunction because the signature of all titled owners are required to transfer a Montana title.

Enter the mailing address of the applicant. Registration renewal notice cards and the title are mailed to this address.

The Montana residential address is required.

If the vehicle is being leased, enter the LESSEE'S address as the residential address. This address must be a Montana address this should be a street or rural route address, and must be in the same where the vehicle is being registered and must agree with one of the addresses on the registration receipt.

The county of residence is the county in which the vehicle is being registered.

Section B:

The Manufacturer's List Price is commonly known as the "Manufacturer's Suggested Retail Price;" it may also be referred to as the Suggested Retail Price at Port of Entry, or Suggested List Price at Port of Entry. Ordinarily, this amount will be the first price shown at the top of the price sticker on the window of the vehicle and does not include destination charges, accessories, state or local taxes. This information is required only for new vehicles, and is to be provided by the dealer.

The year is the year of manufacture. For new vehicles, this must agree with the year indicated on the Manufacturer's Certificate of Origin (MCO).

A motor home may have two MCOs: one for the chassis, and one for the body. Instead of a year entered on the chassis MCO, it may have N/A (not applicable). The TRB will accept it as it is and use the body MCO for the model year.

The make name is the manufacturer's name (Chevrolet, Ford, Mercury, Dodge, etc.), the customer must have a complete manufacturer's make name for trailers; cannot use abbreviations.

The model is required (Lumina, Taurus, Cutlass, 280Z, etc.).

The body style is required (2dr, 4dr, Convertible, Van, Bus, etc.).

Enter the vehicle identification number (VIN) as it appears on the Manufacturer's Certificate of Origin or out-of-state title. Do not enter this information from a registration receipt unless the vehicle is from a non-title state (registration receipts may contain typographical errors). If the vehicle is a motor home, enter the chassis VIN.

Use common colors, not fancy names. If the vehicle is two-toned, enter the top color first. If the vehicle has a scene (as those painted on the side of a van) enter “MULTI.”

Fuel type: enter whether the vehicle operates on gas, diesel or liquid petroleum fuel.

For passenger-type vehicles, only: check the box pertaining to the unladen weight of the vehicle.

For truck-type vehicles, only: check the box indicating the tonnage of the vehicle.

For trucks and trailers: enter the combined unladen weight of the vehicle and the maximum cargo weight.

For truck/tractors: enter the combined unladen weight of both vehicles along with the maximum cargo weight.

Enter the length of travel trailers, manufactured home, slide-in truck campers, and Motorhomes.

For motorcycles or quadricycles: enter the wheelbase and wheel diameter.

Section C:

ALWAYS ASK THE APPLICANT FOR SECURITY INTEREST OR LIEN INFORMATION. If the vehicle is being financed, enter the complete name of the secured party, FEIN/driver license number/Tribal ID or Corp. ID, address and zip code for the secured party or lienholder. If

this section is completed but the loan has been paid, have this section marked "PAID" with a full-signature of the secured party or lienholder. Obtain a Statement of Fact (Form MV100) explaining that there is no security interest or lien to file, or submit a new Form MV1. If there is to be a new secured party or lienholder, submit a new MV1 with the original Form MV1.

If the applicant states that the vehicle is clear of any security interest or liens check the box indicating "No." **If this section is left blank and that box is not checked, the application will be returned to have it completed.**

This application has room for two security interests/liens to be entered. If there is more than two security interests/liens to be perfected/recorded the security agreement or contract for the third and any additional security interests/liens must be submitted.

Section D:

If the vehicle was acquired used, a title or registration from a non-title state must be submitted.

The dealer must complete this section if the vehicle was acquired new, and a Manufacturer's Certificate of Origin must be submitted. If the vehicle was acquired used, the Montana dealer must complete the re-assignment section on the foreign title. If there is not a re-assignment on the foreign title for the Montana dealer to complete, that dealer must submit the paperwork to the TRB dealer services section, applying for a title only. **See the Montana Dealer Title Only section.**

The odometer certification in this section on Form MV1 with a revision date on or after 3/92 may be used in lieu of a separate odometer statement. An odometer reading is not required for vehicles 10 years old or older.

If an out-of-state dealer sold the vehicle, the Dealer Reassignment Section of the title or Manufacturer's Certificate of Origin must be completed, or the dealer must give a notarized bill of sale to the purchaser. The TRB will allow an out-of-state dealer to complete this section in lieu of a bill of sale. See the appendix for types of vehicles that Montana dealers are authorized to sell.

Enter the date the dealership agent signed the MV1; enter the Montana dealer license number;

An agent for the dealership must sign the application with the Dealer's Firm Name and printed name of the Dealer's Agent to complete acknowledgment of the odometer and sale of the vehicle.

Section E:

Enter the date the Form MV1 is signed.

The applicant must sign their signature on the line next to the date and print their name on the line below the signature line to complete the application and comply with the Federal Odometer Law.

If the applicant is a firm or corporation, enter the business name on the line to the left. An authorized agent must sign this section and print the name of the person signing the application. The name of the firm or corporation must be the same as listed in Section A.

If someone is signing for the applicant with Power-of-Attorney, that person must write the applicant's name as well as signing his own name followed by a notation "POA." A notarized Power-of-Attorney form must accompany the application.

If there are multiple owners, only one owner must sign. If there is a security interest to file the person signing the application must also be the one who signed the contract or agreement.

If the title is to be issued in just the name of a lessor, a lessee cannot sign the MV1 unless the lessor has given them Power-of-Attorney.

Lessor/Lessee

A. If a lease agreement does not specifically state that the lessee is not to be named on the title (this is usually found under an "ownership" provision on the reverse side of the lease agreement), the names of both the lessor and lessee may appear on Line 1 of the Application for a Montana Title (Form MV1), or as purchasers on a Montana title transfer. **When the Title is subsequently transferred, both the lessor and lessee must sign as seller.**

When the title is being applied for in the name of the lessor **and** lessee, either one may sign the Application for Montana Title (Form MV1) or title.

If the lessee is not to be shown on Line 1 as a co-owner, he/she must appear on Line 2 as "COF" Lessee and the lessee's address. The renewal notice for the license plates will be sent to the Lessee.

When the title is being applied for in the name of the lessor with "COF" (in care of) the lessee, the lessor must sign the Application for Title (Form MV1) or title. If the lessee signs the application for title a Power-of-Attorney from the lessor authorizing the lessee to sign for them must be submitted. See Power of Attorney.

B. When the title is to be issued in only the lessor's name, the lease agreement can be filed as a security interest or lien even though the owner and secured party or lienholder will be the same.

C. A title should not be issued in the name of the lessee only. If it is, the lessor should be shown on the title as secured party or lienholder.

D. If a vehicle is being titled in the name of the lessor or the lessor/lessee and a third party is being named as a secured party or lienholder, a lease agreement with an assignment to the third party can be used to file a security interest or lien. If there is no lease agreement, a security interest or lien can be perfected with a security agreement or lien document between the third party and lessor or by entering the security or lien information on the title application.

Business Entities (e.g., Corporation, LLC (Limited Liability Company, etc.)) [Rev. 7/24/13]

When titling in a business entity name (e.g., corporation, association, partnership, LLC, LLP), the Articles of Organization from the Secretary of State must be submitted with the application for title.

- The LLC must be registered in the State of Montana before a Montana title can be issued in their name.
- If an LLC is registered and granted through the Secretary of State listing a doing-business-as (DBA) name, the DBA is part of the legal business name.
- If the LLC applies for, and is granted, new Articles of Organization changing the DBA name, the title must be transferred through the County Treasurer's office.

When an out-of-state title in the name of an LLC is being transferred to the same name in Montana, Articles of Organization need to be filed with the Montana Secretary of State.

Montana Title Transfers

If a security interest or lien is shown on a Montana title that is being transferred, the county treasurer's office should request a lien release or release of security interest to submit with the title. If the lien release or release of security interest is not submitted with the title application and the security interest or lien has not been released in the file, the security interest or lien will be carried over to the new title as the first secured party.

A. Signature to Release:

1. The assignment section of the title must be signed-off where the word "Seller" appears. The same person or persons who appear on the face of the title must sign it. Each owner must sign individually (a signature cannot appear as "John and Mary Smith," it must be "John Smith" and "Mary Smith").

   a. If the title is in two separate owner names and it is to be transferred to one of those owners, the owner who the title is being transferred to does not have to sign-off the title, only the owner transferring his/her interest must sign-off.

      1. The owner remaining on the title must complete the title application section on the back of the title, and apply for a new title through his/her county treasurer's office.

      2. If there is a lien on the face of the Montana title and that lien is to remain on the new title, a letter of consent is not required from the lienholder. The lien is to be entered on the title application.

         - The lien is not to be perfected or entered into the electronic file. The lien date will remain the same.

   b. If the owner on the face of the title is a business entity, the official capacity of the person signing for the business must be given if an older title is being transferred. The new secure titles, issued on or after September 4, 1984, have an authorization included in the seller's certification statement.

   c. If the title is in the name of one or more owners and another owner name is to be added, the current owner(s) must sign the title application section or sign the assignment section as seller.

      1. If the current owner(s) provide a consent letter to add a new person(s) to the title, the new owner can sign the title application.

      2. If there is a current lien on the face of the title that is to remain on the new title, a letter of consent to add the name will be required.

2. If a person is signing for the seller(s) by Power-of-Attorney, that person must write the seller's name as well as signing his/her own signature followed by a notation "POA." The Power-of-Attorney form must be submitted with the title.

   a. If the vehicle is newer than 10 years old, the Power-of-Attorney must be completed on the "secure power-of-attorney form" and the original page of that form submitted with the paperwork. If the original page was used to obtain a replacement Montana title, the TRB will accept the carbon page of the Power-of-Attorney form.

3. If a person's name on the title is preceded by 'in care of' (% or COF) then it makes it a part of the address, and that person is not considered an owner and does not have to sign-off the title.

4. A seller's signature, whether it is written, printed, or is a mark or rubber-stamp, must be notarized. See Signatures.

5. If multiple sellers signed the title on different dates, a separate notary acknowledgement must be submitted for each signature acknowledged subsequent to the first seller's signature.

   Note: Witnesses to a seller's signature in lieu of a notary acknowledgement is not acceptable.

B. Purchased from a Dealer:

If the vehicle was purchased from a licensed Montana motor vehicle dealer, the Dealer Re-assignment section on the back of the title must be completed and signed by the dealer. The

official capacity of the person signing for the dealer must be given if an older title is being transferred. The new secure titles, issued on or after September 4, 1984, have an authorization included in the dealer's certification statement.

If the last assignment on a title transfers ownership to a Montana dealer, that dealer must apply for a dealer title only. See Dealer title only.

C. Sold through an Auto Auction:

If a vehicle is sold through an auto auction, the auto auction does not have to complete the dealer re-assignment section. The auction is only required to stamp the name of the auction and their license number in an assignment section showing their involvement in the sale.

If an assignment section does not contain enough space for the stamp, they must provide a copy of their auction invoice.

The auction cannot sell a vehicle with a bill of sale; they are required to have the title.

D. An out-of-state dealer sells a vehicle that is titled in Montana:

An out-of-state dealer can complete the dealer re-assignment on the Montana title or submit a bill of sale accompanied by the Montana title. If the bill of sale is on another state's form that does not require a notary, the TRB won't require a notary. See State Requirements Summary in the appendix.

E. Erasures and Whiteouts:

1. If an erasure or whiteout on a title completely obliterates the name, security interest or lien information, or vehicle description, the title is void and the owner will need to obtain a replacement title.
2. The TRB will take more than one deletion **if** they are neat (1 line through the information), everything is legible, and there are supporting documents explaining the deletions. If the deletions make the application questionable, the title is void and a replacement title must be obtained.
3. The above also applies to supporting documents including the deletion of vehicle descriptions.
4. An erasure or whiteout of an address or a date can be corrected with a Statement of Fact (Form MV100) explaining the error.

F. Completing the Application Section:

1. The application section must be completed showing the purchaser(s) name and residential address and must be signed by the purchaser. If the purchaser has a permanent mailing address that is not the same as the residential address, it must be entered in this section and indicated as the mailing address. Use a Statement of Fact (Form MV100) to authorize the mailing of the title to a **temporary** out-of-state special mailing address. Titles will not be specially mailed to a Montana address.
   a. Montana titles cannot be issued with a title preceding the owner name. Example: DR, MR, MRS, REV.
   b. Montana does not recognize the conjunction “or” on Montana titles as all signatures are required to transfer title.
2. If the title is to be issued in more than one owner name, only one applicant signature is required. This includes lessor/lessee situations and applications in the name of more than one business.
3. If a person is signing for the purchaser with a Power-of-Attorney, that person must sign the purchaser's name as well as his/her own name, followed by a notation "POA" and the Power-of-Attorney must be submitted. If the vehicle is newer than 10 years old the Power-of-Attorney must be completed on the “secure power-of-

attorney form" and the original page of that form submitted with the paperwork. If the original page was used to obtain a replacement Montana title, the TRB will accept the carbon page of the Power-of-Attorney form.

If the title is to be issued in just the name of a lessor, a lessee cannot sign the application unless the lessor has given them POA.

4. If the purchaser's section is handwritten and the name(s) as well as the signature(s) cannot be read for correct spelling, please type in the applicant's name to prevent errors.

5. If a security interest or lien is to be filed, fill in the security interest or lien information in the Purchaser's Application section. If a security agreement or lien document is submitted with the title, the person signing the title application must be one of the owners who signed the security agreement or lien document.

   There is room for two security interest or liens to be entered on the application. If there is a third or additional security interests/liens to be perfected the separate security agreement or contract must be submitted.

6. If a title is to be issued in an individual's name and a DBA business name, ownership of the vehicle is not affected by the DBA business name-the individual is the owner.

   - With the exception of a vehicle titled in the name of an LLC that was licensed by the Secretary of State with a DBA name as part of the LLC. The DBA is part of the LLC legal name and either one can sign the title application but the title transfer would require both signatures. If they change the DBA by applying for new LLC license with the Secretary of State the title will need to be transferred.

7. Do not add names to the title application without a letter of consent from the secured party or lienholder and the first applying owner. If the letter of consent from the secured party or lienholder is on their letterhead it does not have to be notarized. The person signing the letter for the secured party or lienholder must show their official capacity.

   If the original applicant calls the county treasurer's office and asks for a name to be added to the application the county can add the name however, that county operator must include a statement stating he/she added the name to the application when the paperwork is submitted.

8. Do not delete names from the title application section without written permission from the secured party or lienholder and the remaining applying owner.

9. If adding or deleting a name from the lien document a new lien document must be submitted.

10. If a title is to be in more than one name with "tenants in common" do not change to Joint Tenancy with Right of Survivorship (JTROS). See the Glossary appendix.

G. Odometer Disclosure Requirements:

1. The odometer certification statement on a conforming title must be completed for all motor vehicles, including motorcycles that are nine years old or newer.

2. If it is not a conforming title, a separate odometer statement must be submitted.

3. See Odometer Disclosure Requirements.

H. Forced Lien (secured party or lienholder requests issuance of title):

1. If an applicant does not apply for a title within 40 days of purchase, a secured party or lienholder may pay title, lien, and title-junk fees to have a title issued (the secured party or lienholder is not subject to the $10 penalty). The secured party or lienholder must submit an Affidavit of Forced Lien (Form MV81B).

2. The purchaser's signature is not required in the title application section if a signed copy of the security agreement or lien document is submitted with the title.

3. Put a line through the applicant's address so as not to obliterate it and change it to "in care of" the county treasurer and their address so the title will be mailed to the county treasurer's office to hold until the person registers the vehicle.

   - If the secured party or lienholder requests the title be sent to them, change the address on the application to that of the secured party or lienholder.

4. If a secured party or lienholder wants to repossess at the time of forcing their security interest or lien, the instructions in Section H must be followed. The County Treasurer must submit the repossession affidavit, release of security interest or lien and the additional repossession title fee with the debtor's titling documents.

5. If a secured party or lienholder wants to force their security interest or lien and repossess, then that paperwork must be submitted through the County Treasurer because the law states: "a security interest or lien is perfected at the county treasurer."

6. The title must be issued into the debtors name with the security interest or lien on it before a repossession title can be issued.

I. Titles Held in Trust:

1. To issue a title in the name of a trust, a certified copy of the trust agreement or an affidavit certifying to the existence of the Statement of Trustee (Form MV40) must be submitted with the title.

2. If there is more than one trustee appointed by the trust and the signatures of more than one trustee are required to execute documents, then all trustees must sign title applications and titles transferring interest.

   - The trustee or trustees must sign the document. He/she cannot give Power-of-Attorney to another person.

3. If a financial institution is named as trustee, any authorized officer of the financial institution can execute documents for the trust. A copy of the trust or trust affidavit is not necessary.

4. The Affidavit of Trustee can be signed by one of the trustees or by the attorney who drew up the trust.

5. If the trust is in two names and one of them dies the trust is still valid and can be used to title vehicles in the same trust name(s). If the trust papers state the trust is no longer valid if one of the trustees dies, a title may no longer be issued in the name of that trust.

6. If the trust is in one name and that person is deceased, the trustee would need to comply with the stipulations in the trust agreement.

J. Guardians and Conservators:

1. If a person is signing as guardian of a minor child or as a conservator of a protected person, a copy of the Letter of Appointment certified by the Clerk of Court must be submitted. Just being the parent of a child does not give him/her the authority to sign for the child.

K. Electronic Record Transfer Process:

Montana has implemented the Electronic Record Transfer (ERT) process.

The process outlined below applies when a Montana title cannot be surrendered and **one** of the following three conditions is met:

1. A currently titled/registered Montana vehicle is sold to another Montana resident.

2. A one-year registration exists and the owner of the one-year registration purchased the vehicle directly from the titled Montana owner.
3. A Montana dealer accepted the vehicle on trade from the titled Montana owner and sold the vehicle to another individual.

The vehicle must be currently registered and not expired more than one year.
To perform a title transfer using the electronic motor vehicle record, the following information must be provided:

1. The Bill of Sale (Form MV24) from seller(s) to purchaser(s)/dealer which includes authorization to transfer ownership using the electronic record. The odometer reading portion of the MV24 must be completed in its entirety. All sellers must sign the MV24 to release interest in the vehicle.
2. Application for Replacement Certificate of Title (Form MV7) completed by the currently titled/registered owner(s) with a $10.00 title fee collected via a miscellaneous transaction.
3. Screen print of electronic MVD record printed and submitted by the county with other documents in this process.
4. Application for Certificate of Title for a Motor Vehicle (Form MV1) from the purchasers

THIS DOES NOT TAKE THE PLACE OF THE BONDED TITLE PROCESS.

Motorcycles

Homemade or Assembled - See Specially Constructed Vehicles

A. Rebuilt:

The following documents are required:

1. Title for the frame properly signed-off by the owner(s). If the title is not available, have the registered owner apply for a replacement. If the registered owner cannot be located, submit the available document for the frame along with the items listed below. The vehicle will be subject to Bonded Title procedures. Bonded Titles
2. Notarized bill of sale for the engine.
3. Inspection Checklist for Motorcycles (Form MV70).

   Note: If the inspecting officer or applicant indicates on the inspection that the tires are "not for highway use," this vehicle cannot be licensed or titled as street legal.

4. The title will be branded as Rebuilt.

B. Converted All-Terrain Vehicles (ATVs):

1. If a cycle or quadricycle was originally designed for off-road use and has been converted to highway use, it will have to be inspected using the Inspection Checklist for Motorcycles (Form MV70).
2. The applicant must provide the original MCO, Montana title for the ATV, the foreign title if from a title state, or the last registration if from a non-title state. To determine if the vehicle is from a title or registration state, see the appendix of other states' requirements. If the applicant is only able to present a notarized bill of sale, see Bonded Titles.
3. Submit an Application for a Montana title (Form MV1) if the vehicle is not currently titled in Montana.
4. Inspection Checklist for Motorcycles (Form MV70).

Note: If the inspecting officer or applicant indicates on the inspection that the tires are "not for highway use," this vehicle cannot be licensed or titled as street legal.

Name Changes

If a person wishes to change his/her name on a title as a result of adoption, marriage, divorce, or other legal action, it is not necessary that he/she sign-off the title as seller to release his/her interest. He/she must complete the application section in the new name, attach a Statement of Fact (Form MV100) explaining the reason for the change and that he/she are one and the same, and submit the paperwork along with the $10 title fee to the TRB. (This does not pertain to vehicles titled in a business name. To change a business name the title must be transferred to the new name.) Once the corrected title is received the owner will need to contact their county treasurer's office for corrected registration receipts.

If the name change is not due to a legal action, the title must be submitted through the county treasurer's office for transfer and all fees paid.

If a person wishes to change his/her name on a title as a result of adoption, marriage, divorce, or other legal action but has misplaced the original title, see **Replacement Titles.**

New Vehicles NOT Manufactured for U.S. Consumption (Grey Market Vehicles)

Many luxury vehicles are being imported into the United States, which were not manufactured to comply with the Environmental Protection Agency (EPA) emissions standards or the safety standards of the Department of Transportation (DOT). Vehicles not in compliance with U.S. standards will not have a Manufacturer's Certificate or Origin (MCO). They will have a foreign registration/certificate of ownership. If an MCO has been issued, the vehicle is in compliance with DOT/EPA standards; and the performance bond and release is not required.

When a non-complying vehicle enters the United States, the importer/owner has to post a DOT performance bond equal to the value of the vehicle. The vehicle must be converted to meet U.S. standards before it can be registered and titled. The firm that made the conversion to DOT and EPA standards, verifying that the vehicle has been brought into compliance, must submit proper documentation. Upon approval of the conversion, DOT and EPA will issue a release of the performance bond.

A person can apply for registration and title, but if the application is not accompanied by the performance bond release, a title will **not** be issued. The TRB will hold the applications until the releases are received; it generally takes three to six months for the releases to be issued.

A. Documents required:

1. Application for a Montana Title (Form MV1).
2. Foreign registration/certificate of ownership.
   a. If the document submitted is an "Internationaler Zulassungschein," which is an International Registration, the applicant must also surrender a Manufacturer's Certificate of Origin (MCO). A tourist may wish to purchase a vehicle, which is manufactured for U.S. consumption [meets DOT and EPA standards] but wants to drive the vehicle in Europe. He/she will use the MCO to obtain the International Registration, but will keep the MCO. The DOT performance bonds are not required.
   b. Documents not valid to show ownership:
      1. Foreign Certificate of Origin: German Chambers of Industry and Commerce issue this certificate. The exclusive purpose of this certificate is to identify the Country and Community of origin of all

goods or products, not just motor vehicles. The Chamber only checks origin, not ownership.

2. Insurance Card: This card only shows evidence of insurance, not ownership.

3. Bills of sale or signed invoices documenting the chain of ownership from owner on the foreign registration to applicant.

   In West Germany there will not be a bill of sale from the last owner on the German title, called a Fahrzeugbrieg (brief), if the vehicle was purchased from a German dealer to be exported to the United States. The dealer will issue a bill of sale or an invoice to the purchaser.

   This sample invoice can be identified by the underlined word "Rechnung." The Fahrgestell-Nr. is the VIN and below it is the German title number, which can be matched to the brief.

4. Vehicle/Vessel Identification Number Inspection Certificate (MV20).

5. Customs Entry Document showing legal entry into the United States.

   a. HS Form 7: When paragraph 2 is checked there must be an MCO. If paragraph 3 is checked a DOT/EPA release will be required.

   b. American Samoa, Guam, Puerto Rico and the Virgin Islands are United States possessions. Customs entry documents are not required for vehicles arriving in the U.S. from these jurisdictions.

   c. Original, photocopy or fax is acceptable.

6. A letter from DOT/EPA releasing the performance bond.

B. Model Year:

1. The model year of an import, if not shown on the foreign registration, should be determined in recommended order of priority, by the following criteria:

   a. Determine the model year as identified in the VIN. (See 2 below-if manufactured for U.S. use).

   b. Determine the model year as identified by documents produced by the original vehicle manufacturer if the vehicle is new.

   c. Determine the model year by certification of the importer of record. The importer of record can be verified by review of the Customs Entry Document. The certification can be verified against vehicle production dates based upon substantially similar models of the same make vehicles that are approved by EPA/DOT for sale and operation in the United States.

   d. Determine the model year from the production date of the vehicle. If the Manufacturer's Certificate of Origin is not submitted please submit a statement from the Manufacturer verifying the model year.

   e. If the model year on the paperwork is not correct, the manufacturer will need to provide a statement verifying the correct model year.

2. Vehicles manufactured for European consumption do not have a VIN character that distinctly identifies the model year. The model can be identified by the manufacturer using the VIN and by referring to sequential production numbers in the VIN.

3. West German titles (briefs) do not show a model year. They do have several dates that can be used to help establish a model year:

   "November 16, 1979" is on Page 4 and is the date that the vehicle model was certified to comply with European Community standards.

   "November 21, 1980" is on Page 4 directly above the signature line and is the date of delivery of the vehicle. This is generally several weeks or months after the date of production.

   "November 25, 1980" is on Page 2 and is the date the vehicle was first registered.

The vehicle described in this exhibit would generally be considered to be a 1980 model year. The applicant may argue that the vehicle was produced in late 1980 and, therefore, it is a 1981 model. Have the applicant, if he/she are the importer of record, certify to this. The TRB will compare the production numbers against similar models manufactured for U.S. consumption and make a final determination.

C. Valuation of import vehicles:

Do not rely on the value, for taxation purposes, shown on U.S. Customs Form 7501 that shows the duty that was collected. This is the price the importer paid to the foreign seller. The conversion of the vehicle to meet U.S. standards greatly increases the value of the vehicle. Refer to the Department of Revenue for assessment instructions.

D. Military Vehicle Purchases:

Some military personnel purchase a vehicle from a U.S. dealer through a Military Sales Association while he/she is overseas and have the vehicle delivered by the dealer to an U.S. port so it will be available when he/she returns to the U.S. The MCO will be in the name of the Military Sales Group or Association (OMSC=Overseas Military Sales Corporation) and will be accompanied by an ORDER OF ACCEPTANCE showing the name of the U.S. dealer with the destination of a U.S. Port. Customs entry documentation is not required.

New Vehicles Manufactured for U.S. Consumption [Rev. 7/24/13]

These vehicles will always have an MCO.

Documents Required:

A. Application for a Montana Title (Form MV1).

B. Manufacturer's Certificate of Origin (MCO):

1. In the event a dealer states that an MCO cannot be obtained, the dealer must submit a letter from the manufacturer verifying the sale to the original dealer, stating that they will not issue a duplicate MCO, and the reason for not doing so. The vehicle will have to be inspected.

2. Do not register a new vehicle without an MCO or the manufacturer's letter, or a fax of the letter with the manufacturer's identification number at the top, stating that they will not issue a duplicate MCO. MCOs for trailers that are produced on a photocopier are acceptable if the information entered on the MCO is original.

3. If the MCO has been assigned to a Montana dealer who is authorized to sell only used vehicles, the dealer must title and register the vehicle before selling it.

4. If an MCO has been re-assigned by an out-of-state dealer to an out-of-state individual, that individual can also use the Dealer Re-assignment section of the MCO to transfer it to another individual or dealer or execute a separate bill of sale.

5. If an MCO has been re-assigned by an out-of-state dealer or to a Montana dealer authorized to sell new vehicles to a Montana resident, the individual must title and register the vehicle before selling it to another person or dealer with the following exceptions:

   a. When a person named on the MCO was authorized to purchase the vehicle for another party: both the persons named on the MCO and the applicant must sign a sworn affidavit to this effect. (An example would be a relative purchasing a new vehicle out of state for someone.) A no-interest statement (not a bill of sale) must accompany the affidavit.

   b. When the sale was canceled and the vehicle was returned to the selling dealer prior to the 40-day permit expiring. See cancellation of sale (under Affidavits)

for documents required when a sale has been canceled.

6. If all of the re-assignments on the MCO are filled transferring between dealers licensed to sell new vehicles, the last-selling dealer can use a bill of sale or separate re-assignment if selling to another dealer.

7. If an MCO signed off to a retailer (Costco, Wal-Mart, Home Depot, Lowe's, etc.), the MVD will accept a cash register receipt or invoice to transfer ownership to the purchaser. A Bill of Sale is not required.

8. The seller of trailers weighing under 500 pounds does not need to have a Montana Dealer License to sell the trailers.

C. When the odometer statement on a conforming MCO is not completed, a separate odometer statement will have to be submitted.

D. If the face of the MCO shows a lien with Ford Motor Company or Ford Motor Credit Company and the vehicle is not being titled in the dealer's name, a lien release will have to be submitted with the MCO. If the vehicle is being titled in the dealer's name, the lien must be perfected or released.

E. An MCO originating in Oklahoma may have the statement "Lien Entered – Oklahoma M.V." stamped on the face of it. This is a purchaser's lien that has been filed in Oklahoma. The lien must be perfected or released.

F. If the face of the MCO is stamped "USED VEHICLE," the vehicle is **not** a used vehicle; it is to be titled and registered as a new vehicle. If the vehicle was sold through an auction, the auction will need to provide a copy of the authorization to sell from the manufacturer. If the vehicle was damaged, they will also need to provide a copy of the Damage Disclosure Notice.

- **Exception**: Daimler Chrysler (DC) is stamping MCOs "used vehicle" on company cars to prevent dealerships from representing them as new vehicles. These are company cars that had some previous use. DC wants to be sure the customers are aware that these are used vehicles.

G. Double Wide Mobile Homes: There may be two MCOs. If the identification numbers are the same and have a suffix of A & B, only one title will be issued with both the A and B suffix at the end of the identification number. The second identification number with a B suffix will be entered into the system and will print on the title. If there are two different identification numbers with no identifying suffix, the second identification number will print in the "other pertinent data" field on the title.

H. Motorhomes and Van Conversions: If an incomplete vehicle has been converted to a motorhome or luxury van by a second-stage manufacturer and the second-stage manufacturer's MCO shows the chassis VIN and the year and make of the vehicle, it will be acceptable without the first-stage manufacturer's MCO. If the second-stage manufacturer's MCO shows only the body VIN or "NA" for the year, the first-stage manufacturer's MCO is also required.

Some second-stage manufacturers do not install their manufactured body on an incomplete vehicle. They alter the first-stage manufacturer's existing body. In this case, there will be just the first-stage manufacturer's MCO. There will be no second-stage manufacturer's body VIN.

- **Note:** If one MCO is accepted and it does not list a foreign country as the place of origin, Customs Entry documents are not required.

If both MCOs are required and one of them lists a foreign country as the place of origin, customs entry documents are required.

If the motorhome is a large semi-truck (Freightliner, Peterbuilt, etc.) and is inspected as a motorhome, it can be titled and licensed as a motorhome if the applicant provides a statement verifying the motorhome is not used for commercial purposes. If the applicant will not verify

that it will not be used for commercial purposes, it will need to be titled and registered as a truck.

I. Some military personnel purchase a vehicle from a U.S. dealer through a Military Sales Association while he/she is overseas. He/she may have the vehicle delivered by the dealer to a U.S. port so it will be available when he/she returns to the U.S. The MCO will be in the name of the Military Sales Group or Association (OMSC=Overseas Military Sales Corporation) and will be accompanied by an ORDER OF ACCEPTANCE showing the name of the U.S. dealer with the destination of a U.S. port. Customs entry documentation is not required.

Non-conforming Light Vehicles [Rev. 7/24/13]

Some examples of non-conforming light vehicles are dune buggies, karts, Japanese mini-trucks, Japanese mini-vans, etc.

These vehicles cannot be licensed as both street-legal and off-highway. The owner must choose to license as either street-legal or off-highway.

A law enforcement officer must inspect the vehicle and complete inspection Form MV70A in its entirety for the non-conforming vehicle to be considered street-legal and eligible for vehicle plates.

If the vehicle is to be registered as street-legal and has passed the inspection, it will be registered as a passenger car or truck and issued corresponding plates/fees.

The registration and titling if **street-legal** will be completed as follows:

- The vehicle and plate type will be “PC" or "TK.”
- The model will be entered as listed on the paperwork.
- The body style will be “NC.”

The registration and titling if **off-highway** will be completed as follows:

- The vehicle type will be “QD.”
- The plate type will be “AT.”
- The model will be “DUN" or "TK” (dune buggy or truck).
- The body style will be “NC.

Japanese Mini-Trucks

The following are required to apply for a title on a mini-truck.

1. Application for Bonded Title (Form MV10).
2. Have a law enforcement officer complete a Vehicle/Vessel/Off-Highway Vehicle (OHV) Identification Number Inspection Certificate (Form MV20) to verify the vehicle identification number (VIN).
3. Attach proof of ownership (e.g., cancelled check, bill of sale, invoice, etc.).
4. The U.S. Customs entry document must show the VIN of all vehicles being imported on the bill of lading.
   a. Customs entry documents and EPA requirements must be met for title and registration.
5. The Japanese export certificate and translation of the certificate must also be submitted.
6. When sold as street-legal, the MV70A inspection form must also be submitted. TIMA (Truth in Mileage Act) for federal odometer requirements will apply.
7. If the vehicles are sold as street-legal, a surety bond for the value of the vehicle must be submitted.

A Montana licensed dealer will be required to get a Dealer Title Only if there are no reassignments on the Japanese export certificate or title.

Notaries [Rev. 7/24/13]

The notary acknowledgement **must** be completed in its entirety.

A. Who Can Acknowledge Signatures:

1. The Title and Registration Bureau (TRB) will accept an acknowledgement by a notary or an elected official or that elected official's authorized deputy. The elected official's seal of office must be stamped or impressed on the document. Elected officials who are authorized to acknowledge instruments are:

   - A Clerk of a Court of Records
   - A County Clerk and Recorder
   - A Justice of the Peace
   - A United States Commissioner
   - A County Treasurer or his/her deputy

   Note: A Justice of the Peace does not have a seal but he/she can notarize a seller's signature on a title.

   If the notary acknowledgement includes a line for "Title and Rank," that line would be completed listing the official's title that is performing the notary. If the person is a commissioned Montana notary, they would enter "Notary Public for the State of Montana." If not a commissioned notary, it would be their official title that gives them the authority to notarize documents in and for the state of Montana (e.g., Deputy Treasurer, Wibaux County).

   - If the Notary Stamp is an ink stamp that includes the rank, the document will be accepted if the "Title and Rank" line is blank.

2. A military officer can acknowledge a signature. He/she does not use a seal and their commission is valid as long as they remain in active service (no expiration date).

3. There are Canadian officials who are not called notaries, but have a title such as "Commissioner of Oaths." He/she has an expiration date and uses a seal; acknowledgements from these officials are acceptable. Official acknowledgements from other foreign countries will be considered.

4. U.S. citizens who are abroad and not in the military can possibly have his/her signatures acknowledged at a U.S. embassy or consulate.

B. Notary Commissioned in Montana:

1. An acknowledgement by a Montana notary must include the place of the notary's residence and the date his/her commission expires.

2. A Montana notary may use an impressed seal or a seal stamped in ink as prescribed by the Montana Secretary of State; the notary's signature must be in ink.

   - Effective 10/1/2013, an impressed seal will no longer be acceptable

3. An individual notary can notarize a seller's signature even though the notary may be a co-owner on the title or the purchaser. A notary cannot notarize his/her own signature.

4. A notary cannot notarize a document and also acknowledge the odometer reading on the same document.

The Montana Secretary of State's Office has a Montana Notary Handbook available online.

C. Foreign Documents Requiring a Notary:

1. If a customer presents a document that is a state-published form and it does not have a place for a notary, the TRB will not require one.

2. Some documents do not have a place for a notary acknowledgement, but do require one or more witnesses. The TRB will accept that document with as many witnesses as required on the form.

3. Some states have notaries, but do not require the signature on their titles to be notarized; this has been a current trend. Some titles from a certain state have a place for a notary, while newer titles from the same state will not. Accompanying documents also may or may not require a notary. Refer to the appendix for a list of other states' notary requirements.

D. Out-of-State Notaries:

1. If the notary acknowledgement on an out-of-state title or other document does not have a place to enter the commission expiration date, that date will only be required if the notarization was by a Montana notary.

E. Separate Notary Acknowledgement:

The TRB will accept a separate notary acknowledgement of a seller's signature if the separate acknowledgement identifies the title or vehicle being transferred and the name of the person whose signature is being acknowledged.

If a title is returned for a missing seller's signature, there must be a separate notary acknowledgement. The notary can either notarize the second signature on a separate notary acknowledgement statement or on the title next to the signature.

The separate notary statement must include the vehicle description (year, make, model, and VIN) and identify the name of the titled owner whose signature is being notarized.

F. Notary Signature:

The notary signature must be either printed or written in ink and cannot be a stamp.

Out-of-State (Foreign) Title Transfer Procedures

Some states do not title older vehicles. If a vehicle came from a state requiring registration only, the registered owner must surrender the last registration when applying for a Montana title. If the vehicle was sold prior to the registered owner applying for a Montana title, the purchaser must submit the foreign registration and a bill of sale. The bill of sale must be notarized if required by that jurisdiction. Throughout this section any reference to title will also be a reference to the foreign registration. See the State Requirements Summary in the appendix to determine if the vehicle should have been issued a title.

Note: Foreign or out-of-state salvage certificate, see Retitling Salvage Vehicles. (MT Salvage Certificates are not issued to replace foreign/out-of-state salvage certificates.)

Note: If any of the documents are in a foreign language, the customer must provide translation of that or those documents.

A. Vehicle Description Errors:

1. The year, make, model and identification number on a foreign or out-of-state title must agree with the Application for a Montana Title (Form MV1). If they don't agree, the following exceptions will apply:

   a. If one digit of the identification number on the title does not agree with the vehicle being registered, the foreign title will be accepted with a statement of inspection and an affidavit of correction.

b. If the year, make, body style or model shown on the title does not agree with the actual body style or model of the vehicle, have the vehicle inspected. If the vehicle year, make, body style or model shown on the inspection statement agrees with the designators in the VIN on the title the application will be accepted. If not, a corrected foreign or out-of-state title must be obtained.

2. When inspected, if the year, make or more than one digit of the identification number does not agree with the vehicle being registered and cannot be determined by the designators in the VIN, a corrected foreign or out-of-state title must be obtained, or a letter from the issuing jurisdiction stating they will not issue a corrected title, but they acknowledge an error was made.

3. All foreign or out-of-state titled or registered motor homes older than 1980 must be inspected for both the body information and the chassis information because Montana issues titles on motor homes showing the body year and make and the chassis VIN. Some states use just the body VIN. The chassis VIN is used for law enforcement and recall purposes.

   a. If the foreign or out-of-state title was issued using the body make name and the chassis vehicle identification number the inspection is not required.

B. Signatures to Release Interest:

1. Check the foreign or out-of-state title to see if the Montana title is going to be issued in the same name or names. If not, the face or reverse side of the foreign or out-of-state title, where the word "Seller" appears, must be signed by the same person or persons who appear as registered owner(s) on the face of the title.

2. If more than one owner, they must sign-off individually (the signatures cannot appear "John and Mary Smith," they must be separated such as "John Smith" and "Mary Smith").

3. If a foreign or out-of-state title is registered to more than one owner and the entire ownership is being transferred, and it is from a state that will accept one signature to release the interest of all parties, then the TRB will also accept one signature. (See the State Requirements Summary in the appendix showing what each state will accept.)

4. If the foreign or out-of-state title is in more than one name and the Montana title will be issued in one or more of the names, but not all of them, the owner(s) who is/are being deleted will have to sign-off the title.

   - If there is an existing security interest or lien on the foreign or out of state title that is to be filed on the Montana title, a letter of consent from the lienholder will no longer be required. The security interest will be entered on the Montana title.

5. If the foreign or out-of-state title is in one name and Line 1 of the Application for a Montana Title (Form MV1) shows a name or names being added, the registered owner must either sign-off the foreign or out-of-state title or sign the application. The TRB will not accept only the new owner's signature on Form MV1.

   - If the owner on the foreign or out-of-state title signs a letter of consent or statement to add the new owner, the new owner can sign the title application.
   - If there is an existing security interest or lien on the foreign or out-of-state title that is to be filed on the Montana title, a letter of consent to add the name or names must be submitted by the secured party or lienholder.

6. If the registered owner is a firm or corporation, the owner's release must contain the full name of the business, the full name of the person signing for the firm, and that person's official capacity.

7. If a person has been given authority by power-of-attorney to sign for the seller, that

person must write the seller's name as well as signing his/her own name followed by a notation of "POA."

8. If a foreign or out-of-state title is in the name of a lessor and lessee, both lessor and lessee, depending on the requirements of the titling jurisdiction, must sign-off the title to release their interest. **IMPORTANT: Check the State Requirements Summary in the appendix for any exceptions.**

9. If a person's name on the title is preceded by "%" (in care of), which makes it a part of the address, that person is not considered an owner and does not have to sign-off the title.

10. A Washington Release of Interest (Form TD 420 050) may be used by a registered owner to transfer ownership, or by a lienholder to transfer ownership when the title is accompanied by a repossession affidavit.

11. Many states consider a secured party or lienholder as the "Legal" owner and the vehicle owner as the "Registered" owner until the security interest or lien is paid. If there is no security interest or lien on the title, the "Registered" owner becomes the "Legal" owner. If the format of a foreign or out-of-state title provides for "Registered" and "Legal" owner and there is no security interest or lien filed on the title, the "Registered" owner may sign in the "Registered" owner section or the "Legal" owner section to release their interest.

12. If the foreign or out-of-state title is in the name of a dealer, that dealer can execute the title for transfer by completing the dealer assignment in lieu of releasing their interest as registered owner.

13. **In all of the preceding instructions pertaining to foreign or out-of-state titles that require a signature on the seller's line of the title, the TRB will accept a notarized bill of sale from the seller(s) instead of the signature on the title.**

C. Notarized Signatures:

If the foreign or out-of-state title has a place for a notary, the signature(s) of the seller(s) must be acknowledged with a notary signature and seal. See Notaries and the State Requirements Summary in the appendix for the state requirements.

D. Sold by a Dealer:

1. Out-of-state dealer: When a registered owner's interest in a foreign or out-of-state title has been transferred to a foreign or out-of-state dealer, that dealer must complete the Dealer Reassignment Section of the title, complete a separate dealer assignment form, or give a notarized bill of sale when sold to a new purchaser.

2. Montana dealer: When the interest in a foreign or out-of-state title has been transferred to a Montana dealer, that dealer must complete the Dealer Reassignment Section of the title. If there are no assignments on the foreign or out-of-state title for the dealer to complete the dealer will need to apply for a title in his/her name using the Title-Only process. See Dealer Title Only.

E. Check for a Security Interest or Lien:

1. Check the face of the foreign or out-of-state title for a security interest or lien. If a security interest or lien has been recorded on the title, it must be released or entered on Form MV1. If the amount of the security interest or lien is not shown, submit a copy of the security agreement or lien document.

2. If the foreign or out-of-state title has a notation: "This vehicle may be subject to an undisclosed lien," the applicant will have to obtain written verification from the issuing jurisdiction of the status of any security interest or liens. If a valid security interest or lien exists in the other jurisdiction, it will have to be entered on the Montana title.

F. Trailers Registered in Other States:

1. The appendix has a list of states and a description of trailers that are or are not titled and/or registered. Many states will give the vehicle owner an option to title and/or register. Whenever an option is given, the TRB will have to assume that a title was probably issued. The applicant will have to contact that state's Department of Motor Vehicles (DMV) to verify that a title was not issued. If the DMV verifies that a title was issued, the title will have to be surrendered.

   If the trailer came from a state or foreign country that issues titles or registrations on that type of trailer and the foreign title cannot be obtained, the Montana title will have to be applied for using the bonded title process. See Bonded Title procedures.

2. If a trailer is definitely not titled but is required to be registered, the applicant will have to surrender the last registration receipt or an official duplicate thereof.

   a. If the registration receipt shows a weight in excess of the exempt weight as described in the exhibit B, a letter will have to be obtained from the state DMV verifying that the vehicle was not titled.

   b. If the registration has a weight that corresponds to the weight exempt from titling, but a title number also appears on the registration, the title will have to be obtained or a letter from the DMV verifying that no title was issued. (Some trailers may have been originally registered at a greater weight and subsequently reduced.)

   c. If the weight of the trailer determines whether or not a title or registration is required and the paperwork submitted does not indicate the weight, the owner will need to verify the weight of the trailer.

   d. If a foreign or out-of-state title or registration does not show a VIN the trailer must be inspected to ascertain whether a VIN exists. If the inspection certificate shows no VIN, the county treasurer's office will issue a state-assigned trailer number.

3. If a trailer is not required to be titled or registered, try to obtain some document evidencing ownership (e.g., bill of sale, sales contract, invoice, MCO, etc.).

   a. If evidence of ownership cannot be obtained, have the applicant make a sworn affidavit stating from whom the trailer was acquired, date of acquisition and the reason why evidence of ownership cannot be surrendered.

   b. A Vehicle/Vessel Identification Number Inspection Certificate (Form MV20) is required whenever a title or registration cannot be surrendered. If the inspection certificate shows no VIN was located, the county treasurer's office will issue a state-assigned trailer number.

G. U.S. Government Form 97:

1. An individual who purchases a vehicle from the U.S. Government must title and register the vehicle in his/her name before selling or otherwise disposing of it.

2. A dealer who purchases a vehicle from the U.S. Government is not required to title and register the vehicle in their name prior to selling it. The dealer can use the dealer statement of sale on the bottom of the title application to transfer their interest.

3. When local government is in need of a certain type of used vehicle they list a request with the state Property and Supply Bureau to watch for that type of vehicle when it becomes available under the federal surplus property program. When it does become available, the bureau will purchase the vehicle from the U.S. Government and transfer it to the requesting agency of local government. It is not being purchased for state use.

   Since all the state is doing is locating surplus vehicles for local government, the Property and Supply Bureau may transfer the Government Form 97 to local government by executing a bill of sale.

H. Military Registration:

A person in the military who was assigned to duty in a foreign country and who registered a vehicle with the military authorities will be issued a military registration. The form will show a security interest or lien, if any exist. If there is a security interest or lien it must be released or recorded on the Montana title.

Documents required:

1. The military registration in the applicant's name.
2. The previous title or MCO if they exist. Usually, the MCO is available. If neither the title nor the MCO exists, the applicant must complete a Statement of Fact (Form MV100) stating that the document does not exist.
3. Inspection Certificate (Form MV20).
4. Application for Montana title (Form MV1).
5. Customs entry documents are not required. These vehicles are included in the move order or invoice along with household goods. U. S. Customs says the entry form is not required when there is a military registration.

Note: If the military registration has been lost and the applicant does have the title or MCO, the applicant must certify to the loss on a Statement of Fact (Form MV100).

I. Out-of-State Lien Sales:

California issues a Lienholder Certificate of Sale form and Oregon issues a Certificate of Foreclosure of Possessory Lien form.

1. These forms are acceptable, respectively, in lieu of a California or Oregon title.
2. The form must be accompanied by appropriate bills of sale showing the chain of ownership and a Vehicle/Vessel Identification Number Inspection Certificate (Form MV20).
3. Application for Montana title (Form MV1).
4. TRB employees will NCIC all out-of-state lien sales.

J. Homemade Trailers:

1. Definition: A homemade trailer is a vehicle which has been completely home-built from raw materials; or part of a commercially manufactured trailer which has been substantially altered so it no longer resembles the original structure.
2. Titling Procedure:
   a. If the trailer was completely homemade, from raw materials, then all that is required is an Application for a Montana Title (Form MV1) and the Certificate of Trailer Number Assignment Form MV39T issued by the County Treasurer. The applicant will need to sign the Certificate of Trailer Number Assignment Form MV39T verifying there is no other identification number on the trailer. A separate verification statement will be required when using a Certificate of Trailer Number Assignment Form MV39T dated prior to 08/04.

      It will be titled as:

      Year: The year in which the VIN was assigned

      Make: Homemade

      Model: The purpose for which it was built; i.e. utility, boat, camper, etc.

   b. If the vehicle was rebuilt from an existing manufactured trailer, the title must be presented with an Affidavit of Correction (Form MV11AB). The vehicle must be

inspected prior to assigning or replacing a VIN to ascertain if the VIN plate is still attached. It will be titled as:

Year: The current year if the trailer has been altered to such an extent that it no longer resembles the original structure; (i.e., a camper trailer changed to a utility trailer) or the year of the original trailer, if it remains the same type of trailer (i.e., a rebuilt camper trailer that is still a camper trailer).

Make: Homemade if substantially altered and does not resemble original structure. The make of the manufacturer, if it still resembles the original structure and the make name is visible on the trailer.

Model: The purpose for which it was built, if substantially altered. If it was not substantially altered, it will be called the original model branded by "rebuilt".

3. The person to whom the VIN was assigned is not required to complete the title process in the county from which the number was obtained. They do need to title in their name before transferring ownership.

Power-of-Attorney (POA) [Rev. 7/24/13]

A. A POA is used to authorize a person to act on another person's behalf. The person who grants the POA is called the principal. The person who is given the power is called the attorney-in-fact. An attorney-in-fact **cannot** reassign their power to another person.

There are two types of POA: **special and general**.

A **special** POA gives the attorney-in-fact the right to act for the principal in connection with a specific transaction or for some other limited purpose. For example, the power-of-attorney form should be carefully reviewed to determine if its intended use is restricted to another state, such as "to apply for a California title." A POA may also specifically authorize someone to apply for a certificate of ownership, not to transfer or release a person's interest in a vehicle.

If the POA gives the person authority to sign-off in event of default by them, the only time the power of attorney could sign for that person would be if there was documentation needed requiring that person's signature before a repossession or involuntary sale could be processed.

A general POA grants the attorney-in-fact the ability to do almost anything that principals could do for themselves.

If the vehicle is newer than 10 years old, the federal odometer disclosure law must be complied with and a Secure Power of Attorney form is required. See Odometer Disclosure.

B. The signature of the principal giving the POA must be notarized unless notarization is not required by certain jurisdictions. See the State Requirements Summary in the appendix.

C. The attorney-in-fact who is signing a document for the principal must enter the principal's name and sign their own name followed by POA. Example: "John Doe by Jane Smith, POA."

- If the attorney-in-fact is signing for multiple principals, he/she must sign for each person individually.

D. If the power-of-attorney document appoints multiple persons to sign for the principal, all of the parties would need to sign the document if the names are joined by "and." If the power-of-attorney document states that all of the parties can act as one or as individuals, only one signature would be required.

E. A photocopy of a POA will be accepted. If using form MV65, the original POA document will be required.

F. Odometer Disclosure, federal limitations on the use of POA.

G. A POA expires upon the revocation of the POA by the principal, the death of the principal, or, unless the principal has stated otherwise, the principal becomes incapacitated.

If the document was signed by the power of attorney before the death of the principal, the signature will be accepted if a certified copy of the death certificate verifying the date of death is submitted.

Repossessions/Bankruptcy/Abandoned Vehicles/ Law Enforcement Sales/Tow Truck Operators/Tribal Police Sales [Rev. 7/24/13]

Repossessions

Once repossession documents are received by the Title and Registration Bureau (TRB), the titled owner is notified. The titled owner has 5 days from the date of first notification to respond to the TRB or the secured party. If the titled owner does not respond, the repossession title will be issued after the 5-day notification period has passed.

A. Security Interest or Liens Perfected in Montana:

A secured party or lienholder must complete the repossession affidavit at the bottom of the Release of Security Interest or Lien (Form MV37A) or by completing the generic Application for Repossession of a Motor Vehicle/Vessel (Form MV11).

1. The security interest or lien must be perfected in Montana before a repossession title can be issued.
2. If the security interest or lien has not been perfected and the Montana title has not been issued showing the security interest or lien, the appropriate paperwork must be submitted along with the repossession affidavit and required fees to issue the title, file the security interest or lien, and process the repossession.
   a. If the ownership is not changing on the Montana title, the secured party or lienholder must submit the title, the security agreement or lien contract, the repossession affidavit, and the required title fee along with the $8 to file the security interest or lien directly to the TRB.
   b. If the ownership is being changed, the paperwork must be submitted through the County Treasurer's office in the county where the debtor resides. The fees would include the title, filing fee, and repossession title fee. See Forced Security Interest or Lien under Montana Title Transfers.
3. If the secured party or lienholder was an individual and that individual is deceased and the estate was not probated, the surviving heir can apply for the repossession by submitting a JTROS (Form MV12) along with the repossession form. If the estate was probated, the Personal Representative will need to complete the repossession affidavit and submit a certified copy of the court papers appointing him/her as Personal Representative. The title must be issued in the name of the estate.
4. In order for a second or subsequent secured party or lienholder to obtain a repossession title, the secured parties or lienholders holding the previous security interest or lien must release their security interest or lien.
5. The lienholder can "self-certify" the mileage of the vehicle at the time of repossession. Use form MV100 and state the odometer reading of vehicle at the time of the repossession. This is the mileage that will appear on the repossession title.

B. Security Interest or Liens perfected Out of State:

The following documents are required:

1. The foreign title.
2. A repossession affidavit. This document can be from the titling state, the state where the secured party or lienholder is located, or a Montana repossession form. The form

can be a state-issued repossession form, state-issued generic repossession form, or a form that mirrors Montana's generic repossession form.

3. The Montana title application (Form MV1).

4. If the repossession affidavit does not provide for the secured party or lienholder's transfer of interest to a purchaser, the secured party or lienholder will have to transfer their interest by executing the secured party or lienholder's section on the title or the registered owner's release of interest section on the title or provide a separate bill of sale.

5. A release of security interest or lien is not required.

6. If the out-of-state title shows two secured parties or lienholders, the first secured party or lienholder is repossessing and the second secured party or lienholder did not release their security interest or lien, a copy of the first secured party's or lienholder's notification letter to the second secured party or lienholder informing them of the repossession must be submitted.

C. Repossession on Security Agreements With Recourse Provisions:

If the dealer is applying for the repossession because the recourse provision was indicated in the security agreement, the following documents are required before a repossession title can be issued in the name of the dealer:

1. Generic repossession form (Form MV11).

2. A copy of the security agreement.

3. A letter from the secured party or lienholder stating that they wish to use the recourse provisions of the security agreement and let the dealer repossess the vehicle.

4. The appropriate title fee.

Bankruptcy

The customer must have the following:

A. A signed and notarized "Acceptance by Trustee of Appointment or Election" or a copy of the "Letter of Appointment" for a trustee certified by the Clerk of Court.

1. The TRB will accept the fax copy of Notice of Chapter 7 Bankruptcy Case, Meeting of Creditors & Deadlines "Form b9a." It lists the name of the trustee.

B. The title:

1. If the vehicle is titled out of state, the title must accompany the above papers or the vehicle must be titled in that state first.

2. The referee or trustee can sign-off the title and his/her signature must be notarized. A notarized bill of sale will be accepted on foreign titles unless that state does not require a bill of sale to be notarized.

C. If the Montana title is not available, the referee or trustee can execute the Dealer Statement of Sale on the bottom of Form MV1, and change that statement to appropriate wording such as "Sale by Trustee."

1. A trustee can apply for a replacement title, but it is not necessary.

D. Application for a Montana title (Form MV1).

E. If a security interest or lien is filed on the title, a release of that security interest or lien must be submitted.

1. The TRB will accept the "Discharge of Debtors" document listing the lienholder that is on the title.

Abandoned Vehicles

A. Abandoned on any public or private property:

1. An abandoned vehicle will be removed and held by or at the direction of:

   a. The Montana Highway Patrol, if abandoned on a public highway other than a county road.

   b. The sheriff, if abandoned on a county road within the county.

   c. The city police, if abandoned on a city street within the city.

2. If a vehicle is abandoned on private property within the city limits, the owner or person in lawful possession or control of the private property can request that the city police remove and hold the vehicle. If the vehicle is on private property outside the city limits, the same can be requested of the sheriff.

3. The sheriff must dispose of a vehicle that is held by the highway patrol. The city police and the county sheriff must dispose of abandoned vehicles by public sale.

   Exception: the sheriff or city police can immediately release a vehicle that is found to be a junk vehicle and having an appraised value of less than $500 for disposal to a motor vehicle wrecking facility.

B. New Title for an Abandoned Vehicle Sold at Law Enforcement Sale: The sheriff or city police will deliver a Certificate of Sale (MV24AB) to the purchaser.

1. The purchaser will submit an Application for a Montana title (Form MV1) and the Certificate of Sale. If the purchaser is a licensed Montana dealer, they will need to apply for title using the Dealer Title Only process before selling.

2. A Statement of Inspection (Form MV20) will not be required unless the TRB finds that the VIN does not conform to the manufacturer's specifications.

3. A release of security interest or lien if there is one currently on file. If the security interest or lien on file is not released, the title will be issued clear of that security interest or lien with certification from the appropriate agency that they notified the secured party or lienholder.

   If the certified letter to the secured party or lienholder was returned unclaimed or the agency was not able to obtain an address for the secured party or lienholder, a copy of the notice of publication in one newspaper of general circulation in the county where the motor vehicle is being stored will be sufficient to meet the notification requirements and the security interest or lien will be removed when the title is issued.

Law Enforcement (Sheriff or Police) Sale

A. Authorized Sales: Vehicles taken into possession by the highway patrol or sheriff can only be sold through a sheriff's sale. The police at a public sale can sell vehicles taken into possession by the police.

MCA 25-13-401 provides that a court can issue a writ of execution to a levying officer who can act in the same manner as a sheriff in taking possession of property and conducting a sale. Levying officers can sign a law enforcement certificate of sale.

The sheriff may conduct tax sales of personal property to satisfy delinquent taxes after receiving a writ of execution from the County Treasurer. The sheriff may execute a county's Certificate of Sale of Personal Property form or amend the state's Certificate of Sale (Form MV24AB) to include "Sale of Personal Property for Delinquent Taxes, Section 15-17-911 MCA" as Item No. 6.

B. Documents Required:

1. Certificate of Sale (Form MV24AB).

2. Application for a Montana Title (Form MV1).

3. If "Sale on Execution" or "Secured Transactions" is circled on the certificate of sale, a certified copy of the Writ of Execution must be submitted.

   Exception: If the "Sale of Execution" is circled on the Certificate of Sale and a court forfeiture order or District Court Order is attached, the Writ of Execution is not required.

4. A Vehicle/Vessel Identification Number Inspection Certificate (Form MV20) usually will not be required. If, after receiving the application for a Montana title, the TRB finds that the VIN does not meet manufacturer's specifications (not enough or too many digits, digits of improper sequence, does not correspond with make of vehicle, etc.), then the applicant will be required to have the vehicle inspected.

5. A notarized release of security interest or lien for any existing security interest or liens. If the security interest or lien on file is not released, the title will be issued clear of that security interest or lien with certification from the appropriate agency that they notified the secured party or lienholder.

   If the certified letter to the secured party or lienholder was returned unclaimed or the agency was not able to obtain an address for the secured party or lienholder, a copy of the notice of publication in one newspaper of general circulation in the county where the motor vehicle is being stored will be sufficient to meet the notification requirements and the security interest or lien will be removed when the title is issued.

C. An inspection certificate will be required for vehicles 1955 and older and the applicant will have to comply with the procedures described in Antique and Vintage Vehicles.

D. Subsequent Sale by Purchaser: A person who purchases a vehicle at a sheriff or police sale must title the vehicle before reselling it. If the purchaser is a licensed dealer, they will need to apply for title using the Dealer Title-Only process.

E. Sheriff or police sale applications will be sent to the TRB for processing. This will allow the TRB to follow a notification process. A letter is generated for these transactions and a specific timeframe is required before a new title can be issued. Once the applicant receives the Montana title, the vehicle can be registered, fees paid, and license plates issued at the County Treasurer's office.

Tow Truck Operator

Qualified tow truck operators/companies can apply for a title in their name following one of the three procedures listed below:

A. Law Enforcement Certificate of Sale (sheriff sale):

1. Before the sale takes place the law enforcement agency must contact the owner and secured party or lienholder on record.

2. If the owner or secured party or lienholder does not reclaim the vehicle as provided in MCA 61-12-403, the sheriff of the county or city police of the city in which the vehicle is being stored may sell it at public auction. **[MCA 25-13-701 through 25-13-709 and 61-12-404]**

3. A notarized release of the security interest or lien for any existing security interests or liens must be submitted, unless the law enforcement agency submits verification that they notified the secured party or lienholder by certified mail and the secured party or lienholder did not respond. If the certified letter to the secured party or lienholder was returned unclaimed or the agency was not able to obtain an address for the secured party or lienholder, a copy of the notice of publication in one newspaper of general circulation in the county where the motor vehicle is being stored will be sufficient to

meet the notification requirements and the security interest or lien will be removed when the title is issued.

4. A separate application for Montana title (Form MV1) must be submitted with the Certificate of Sale (Form MV24AB), along with the appropriate title fee.

5. The tow truck operator must obtain a title in their name before selling.

B. Certificate of Release [MCA 61-12-404, 405, and 406]:

1. If the sheriff or city police elect not to sell the vehicle [MCA 61-12-404] and the vehicle is being stored by a qualified tow truck operator as defined in MCA 61-8-903, the sheriff or city police shall release the vehicle to the tow truck operator.

a. The sheriff or city police will provide a Certificate of Release to the qualified tow truck operator. The release must contain the name and address of the operator, the date of release, description of the vehicle including year, make, model, serial number, and license number (if available) and a stipulation that no warranty is made as to the condition or title of the vehicle.

2. The tow truck operator will need to complete, in its entirety, the Application for Cancellation and Issuance of Certificate of Title to Qualified Tow Truck Operator (Form MV7A) and submit it along with the Certificate of Release. The appropriate title fee must be remitted.

a. If there is a current security interest or lien on file, that security interest or lien will be removed from the vehicle record once the verification listed above in A3 has been received.

b. If the MV7A is not completed verifying that the owner/secured party was notified, a copy of the certified letter and the associated USPS return receipts must be submitted.

C. Wrecked or Disabled Vehicle [MCA 61-8-903 and 61-8-913]:

1. The tow truck operator will need to complete, in its entirety, the Application for Cancellation and Issuance of Certificate of Title to Qualified Tow Truck Operator (Form MV7A) and submit it along with a copy of the certified letter and the associated USPS return receipts verifying that the vehicle owner/secured party was notified.

a. Any current security interest or lien will be removed from the vehicle record once the verification listed above is received.

Tribal Police Sale

A. Tribal police can sell a seized vehicle.

B. Documents required:

1. Application for Montana Title (Form MV1).

a. Certified statement of transfer of issue [MCA 61-3-201]:

The statement of transfer must include the reason for the involuntary transfer, the name of the person's interest transferred, the name of the person to whom the interest is to be transferred, the process of procedure effecting transfer, the description of the vehicle, verification that the vehicle owner was given prior notice of the sale, and the opportunity to bid or redeem in accordance with tribal procedures.

3. Statement of vehicle inspection.

4. The appropriate title fee.

Seizures/Forfeitures Related to Controlled Substances

A. When any type of vehicle/trailer is confiscated as a result of controlled substances the seizing agency will file a petition with the court to institute forfeiture proceedings. The court will either direct the title be issued to the seizing agency or direct the seizing agency to sell the vehicle/trailer.

1. If the forfeiture order directs the title be issued to the seizing agency the court order and an application for Montana title in the name of the seizing agency must be submitted.
2. If the forfeiture order directs the seizing agency sell the vehicle/trailer the sale is executed through a law enforcement sale. The purchaser obtains title by submitting the Certificate of Sale (Form MV24AB), Application for Montana Title and the appropriate title fee to either their local county treasurer's office if they want to register and obtain license plates or go directly the TRB to obtain a Montana title in their name.
3. The Montana title in the current owner name is not required however; if the seizing agency has possession of that title they should include it with the rest of the paperwork.

B. If a security interest or lien is perfected prior to the seizing agency filing a petition with the court to institute forfeiture proceedings, the security interest or lien will be a valid lien pending disposition of the matter by the court.

C. If a security interest or lien is perfected after the seizing agency has filed a petition with the court to institute forfeiture proceedings; upon receipt of a forfeiture order a clear title will be issued, unless ordered otherwise by the court. **[MCA 44-12-201]**

Signatures

A. Person(s) unable to write:

If a person cannot write and just makes his/her "mark," be sure to indicate: "this is John Doe's mark." Quite often a person will use his/her finger or thumb print as his/her "mark." Whatever method is used, it must be notarized. The notary is required whether or not the document the person makes his/her "mark" on has the unsworn falsification statement. The notary verifies identity of the person making the "mark."

B. A written signature must be a complete name.

1. If the registered owners' names appear as "John and Mary Smith" on the title, their names as seller must be written "John Smith" - "Mary Smith." Once in awhile John will just sign his first name and Mary will sign "and Mary Smith;" if this happens, have John sign his last name above the "and" so that his full name will appear.
2. If the purchasers' names are typed as "John and Mary Smith" on the application and their signatures appear the same way, the TRB will accept it because the TRB only require one signature for the applicants.

C. Printed signature:

1. A separate legal signature statement on a Statement of Fact (Form MV100) must accompany any document that does not require notarization and has a printed signature.
2. A printed signature <u>that has been notarized</u> will be accepted without a separate legal signature statement.
3. If a notarized signature has been written in script and that name on an accompanying document has been printed and not notarized, the accompanying document will have to be resigned with a written signature or the separate legal signature statement on a

Statement of Fact (Form MV100) will have to be provided.

4. The printed signature of a notary will not require a legal signature statement.

D. Signature of seller not named on the title:

If a person signs-off a title as seller but his/her name does not appear on the face of the title as registered owner, the title will be acceptable without a separate affidavit explaining the extra signature as long as the person on the face of the title has also signed as seller.

E. Owner's signature appearing twice as seller:

1. If an owner has signed twice as seller and neither signature has had a line drawn through it, the title will be acceptable without an affidavit explaining the double signature. (A person may have signed the title in the absence of a notary and then signed again to have the signature acknowledged or the first signature may not be exactly as the name appears on the face of the title and the person signed correctly the second time.)

2. If one of the signatures has a line drawn through it, a letter of explanation on a Statement of Fact (Form MV100) will be required to explain the deletions. (A person may have signed off the title and had his signature notarized, then changed his mind about selling the vehicle and crossed off his name. It would then be quite easy for someone to forge the signature and it would appear to be properly notarized.)

F. Use of a highlighter:

If a highlighter is used to indicate where a person must sign their name do not highlight the blank signature area. Use a light highlighter to mark an "X" where a person must sign. A signature on a scanned image of a document that has been covered by a dark highlighter is not legible. The person signing the document would have to sign again above the original signature.

G. Stamped signature:

A signature applied by rubber stamp must be notarized, either on the document or by separate notary acknowledgment.

Title Brands

Montana brands titles for various reasons (listed below). Montana also carries brands from foreign/out-of-state titles forward to the Montana title. The brand notation will print on the title to the right of the odometer. If Montana does not have a code for a brand listed on a foreign/out-of-state title that brand is entered into the "other pertinent data" field on the face of the Montana title. The letters shown in the bracket [ ] are the codes entered into the computer. The description listed before the letters in brackets is what prints on Montana title. The brands are:

- REBLT SALVAGE [R] REBUILT SALVAGE
- FLOOD DAMAGE [F] Same
- RECONST VEH [X] RECONSTRUCTED VEHICLE
- TITLE REBUILT [C]
- UNRECOV THEFT [U] UNRECOVERED THEFT
- RECOVRD THEFT [Y] RECOVERED THEFT
- NON-USA [N] DOES NOT COMPLY WITH U.S. REGULATIONS
- BONDED [B] SURETY BOND REQUIRED

Transfer by Insurance Companies [Rev. 7/24/13]

An insurance company that acquires a vehicle 15 years old or older as a result of a total loss claim may transfer their interest by executing the dealer assignment on the title or a separate dealer assignment form.

For vehicles less than 15 years old, the insurance company is required to obtain a salvage certificate/ title. See Insured Losses.

> **Note:** An insurance company cannot transfer their interest on an out-of-state title for a salvage vehicle newer than 5 years old. They must obtain a salvage certificate in their name in order to transfer interest.

The insurance company is required to obtain the title from the insured to transfer to the buyer; or, if the insured does not provide the insurance company with a title, the insurance company must obtain the bonded title. See Bonded Title procedures.

To determine the age of a vehicle, subtract the model year from the current calendar year.

Certificates of Title – Mobile Homes and House Trailers

MCA 61-3-207 was repealed in the 2005 legislative session. Mobile Homes or House Trailers as defined in MCA 15-1-101 are not titled effective 1/1/2006.

> **Exception:** If a security interest was perfected on a mobile home or house trailer when a title was previously issued and the owner has defaulted, the secured party can obtain title through repossession.

A. Upon a transfer of any interest in a mobile home or house trailer, the seller would sign the title, if they have one, transferring interest to the buyer or complete a Bill of Sale (Form MV24) transferring to the buyer.

- It is recommended that the seller take a copy of the completed title or bill of sale to their county assessor to notify them of the change in ownership.

Manufactured Homes

De-title Real Property [Rev. 7/24/13]

Manufactured Home declared as real property ([MCA 15-1-116] Effective 10/1/2005).

To declare a manufactured home as real property, the Certificate of Ownership must be eliminated and the file marked as de-title. See Form MV72A for instructions on this process.

The owner must record the Statement of Intent (Form MV72) in the office of the County Clerk and Recorder of the county in which the real property is located. The Clerk and Recorder will give the owner a certified copy of the Statement of Intent (Form MV72) to complete the de-titling process through their County Treasurer.

The documents required by the County Treasurer to complete the process include:

- The Certificate of Origin (properly signed-off to owner) or the Certificate of Title (in the owner's name or properly signed-off to the owner).
- The certified copy of the Statement of Intent to declare a manufactured home real property.

The County Treasurer will enter the transfer of interest (De-title) on the electronic record, collect the $10 fee, and issue the owner a transaction receipt. The county will then forward the following to the TRB:

- The certified copy of the Statement of Intent, the Certificate of Origin or Certificate of Title, and a copy of the transaction receipt showing the fees collected.

The TRB will provide the owner with a statement verifying that the process of surrendering the Certificate of Origin or Certificate of Title has been completed.

> **Note:** If the valid Statement of Intent (Form MV72) was used to de-title, the TRB will date and sign the appropriate box on the back of the original statement, affix the Motor Vehicle seal, and return it to the owner. If the valid statement was not used to de-title, the TRB will return the statement along with a letter (signed, dated, and seal affixed) verifying the process has been completed.

The owner must record the verification statement with the County Clerk and Recorder in which the real property is located.

If there is a current security interest or lien on the title or a new security interest or lien against the mobile home, the description of the security interest must be disclosed on the Statement of Intent (Form MV72) and the secured party or lienholder must sign the MV72. The new security interest or lien must be filed with the Clerk and Recorder; it is not perfected through the County Treasurer's office.

The home must be 1977 or newer.

The taxes, interest, and penalties must be paid on the manufactured home; otherwise, the Statement of Intent to De-title cannot be processed.

Upon the recording of the Statement of Intent to De-title, the manufactured home may not be physically removed without consent of all persons who have an interest in the manufactured home.

Procedure to De-Title a Manufactured Home When the Manufacturer's Certificate of Origin (MCO) Cannot Be Produced

This procedure was developed by the Department of Justice, Motor Vehicle Division (MVD), in consultation with representatives of the Land Title Association to facilitate the de-titling of a manufactured home when the owner of the manufactured home cannot present a manufacturer's certificate of origin (MCO) for the manufactured home.

This procedure should only be used when the original MCO cannot be found for a manufactured home situated on real property in Montana on or after January 1, 1977, and the owner/agent cannot obtain a replacement (duplicate) MCO from the manufacturer of the home because: (a) the manufacturer is no longer in business; or (b) the manufacturer will not issue a replacement MCO.

To de-title a manufactured home using this procedure, the owner or the owner's agent must mail the following documents, along with the $10 title fee, to the Title and Registration Bureau, Attn: De-title Unit, 1003 Buckskin Drive, Deer Lodge, MT 59722-2375.

> **For this de-titling procedure only,** the documents should **not** be submitted to the office of the County Treasurer of the county in which the manufactured home is situated. All review and approval under this procedure will be handled directly and centrally by the TRB.
>
> The de-title unit will review the documents for sufficiency and, if sufficient, will execute the verification on the back page of the submitted "Statement of Intent to Declare a

Manufactured Home an Improvement to Real Property" (Form MV72) and return the form to the person or entity indicated on the front page of the MV72.

The recipient must then complete the de-titling process, in the customary manner, by resubmitting the MV72 to the Clerk and Recorder of the county in which the manufactured home is situated and submitting a certified copy of the form to the Assessment Office for that county.

De-title a Manufactured Home Without MCO

At present, MVD cannot estimate the turn-around time for approval of documents under this new procedure because it has no way of knowing how many de-titling requests will be initiated under this procedure relative to the current volume of de-titling transactions being processed by TRB staff.

This central review and approval process will allow MVD to determine if this procedure needs to be modified to address unanticipated issues or recurrent requests for exceptions. In the meantime, if you have any questions about this procedure, direct them to mvdtitleinfo@mt.gov.

Required Documents:

1. A completed and recorded copy of the "Statement of Intent to Declare a Manufactured Home an Improvement to Real Property" (Form MV72), as recorded in the Clerk and Recorder's Office of the county in which the real property is located.

2. A signed Statement of Fact (Form MV100) from the owner or the owner's agent explaining that the MCO for the manufactured home has been lost or misplaced and the reason why the owner or agent is unable to obtain a replacement MCO from the home's manufacturer; such as, the owner or agent contacted the manufacturer to ask for a replacement MCO and the owner or agent learned that the manufacturer is no longer in business, the manufacturer's business records were destroyed, or the manufacturer does not issue replacement MCOs for homes of a certain age.

3. A copy of the residential/agricultural property record card, as maintained by the local county office of the Department of Revenue's Property Assessment Division, for the real property upon which the manufactured home is situated. The card must include at least a summary description of the manufactured home (make and, if available, model year), an indication that the foundation for the home is permanent (i.e., concrete), and preferably, the year during which the home was situated on the property.

4. A print-out from the County Treasurer's Office showing the record of tax payments on the real property upon which the home is situated. The record of payments must show payments made for the tax year before the home was situated on the real property through payments made in the most recent tax year. For example, if the home was situated on the property in 2003, the record of payments should span from 2002 through the most recent tax year. If the County Treasurer's Office tax payment records do not date back to the year preceding the permanent placement of the manufactured home on the real property or the year of permanent placement cannot be determined, a letter from the County Treasurer should be submitted that confirms that it no longer maintains tax payment records for any years preceding the earliest year reflected on the printout.

5. A copy of each deed recorded in the County Clerk and Recorder's Office showing the chain of ownership of the real property upon which the manufactured home is situated, beginning with the deed that was in effect when the manufactured home was first situated on the property through the current date, and if that cannot be determined, all deeds that

correspond with the time period reflected in the print-out of records of tax payment for that property.

Re-title Reversal of Real Property

To reverse the declaration and obtain a title [MCA 15-1-118].

Please see Form MV73A for instructions on this process.

The owner would record the Reversal of Declaration (Form MV73) with the County Clerk and Recorder office of the county in which the manufactured home was treated as real property. The Clerk and Recorder will forward a copy of the reversal statement to the County Treasurer.

The County Treasurer shall enter the Transfer of Interest (Re-title) on the electronic record, collect the $10 fee and issue the owner a transaction receipt. The county will then forward to the TRB.

- The copy of the Statement of Reversal and a copy of the transaction receipt showing fees collected.

The TRB will issue a title and send it along with the original MV73 statement verifying the process of restoring the Certificate of Origin or Certificate of Title has been completed.

> **Note:** If the valid Statement of Intent (Form MV73) was used to re-title, the TRB will date and sign the appropriate box on the back of the original statement, affix the Motor Vehicle seal and return it to the owner along with their new title. If the valid statement was not used to re-title, the TRB will return the statement and their new title along with a letter (signed, dated with seal affixed) verifying the process has been completed.

The owner must record the verification statement with the Clerk and Recorder office of the county in which the manufactured home was treated as real property.

A description of any security interest in the manufactured home or real property from which it will be removed must be disclosed on the reversal statement and the secured party or lienholders must sign the reversal statement.

Custom Vehicles

Definition: see the Glossary appendix.

Custom vehicles will be registered and titled through the County Treasurer's office.

A. The following documents are required:

- The Certificate of Origin or title. If neither of these documents is available the title must be acquired through the bonded title procedure. See Bonded Titles.
- A Stage 1 inspection is required. If the vehicle is a salvage vehicle a Stage 2 inspection is required.

  > **Note:** A state-assigned VIN will be required if the Certificate of Origin is not available or the inspector cannot locate a VIN. Form MV10B

- An Application for Montana Title (Form MV1).
- The county may require a Fact Sheet (Form MV121) verifying the type of vehicle.

B Custom vehicles can be registered under Vintage/Pioneer statutes or regular registration statutes, and are allowed to display one plate after certifying to the Department that the vehicle is not used for general transportation purposes (see the Glossary appendix for definition) and after paying the associated fee.

C. The vehicle will be registered and titled using the year and make the vehicle resembles.

D. The Montana title and registration receipt will show "Custom."

E. Custom Vehicles do not include motorcycles.

Dealer Title Only

A dealer, broker or wholesaler (hereinafter referred to as "dealer") licensed in Montana may obtain a title in their name without registering the vehicle. This is known as a "Title Only" ("TO").

A. A "TO" will be issued for **used** vehicles, trailers, snowmobiles, boats and OHVs.

- A "TO" will not be issued for new vehicles, snowmobiles, boats, OHVs, being transferred wholesale or retail. If all of the re-assignments on the MCO are filled transferring between dealers licensed to sell new vehicles the last selling dealer can use a bill of sale or separate re-assignment if selling to another dealer.
- Out-of-state dealers and Montana licensed auto auctions are not authorized to obtain a "TO."
- If the vehicle was registered with a military registration and the customer has the Manufacturer Certificate of Origin, the vehicle is considered "used" and the dealer can obtain a "TO."

B. Applications for a "TO" will be submitted directly to the TRB, accompanied by the appropriate title fee either by addressing the applications to the attention of the "Dealer Services Section" or by bringing the applications to the Dealer Services Counter.

- If a security interest or lien is to be filed, the paperwork must be submitted to the county treasurer's office in the county of the dealership location.

C. If the dealer should have applied for a "TO" but sends the paperwork to the county treasurer's office completed for transfer to their buyer, the dealer must apply for a "TO" before a title can be issued. The dealer must complete a Statement of Fact (Form MV100), indicating the name of the purchaser that was entered in error; and once the title is received by the dealership, the title will be transferred to that purchaser.

If security interest or lien information was entered prior to the dealer applying for a "TO" a Statement of Fact (Form MV100) from the secured party or lienholder must be submitted, stating their security interest or lien was entered in error; and once the title has been executed for transfer to the actual owner their security interest or lien will be filed.

Limits on Montana Dealers' Use of Dealer Assignments Provided on a Title

A. A dealer may only transfer ownership of a vehicle by using a dealer assignment section provided on a title. If the last assignment is used to transfer ownership to a Montana dealer, the purchasing dealer will have to apply for a "TO." A Montana dealer **shall not** use a separate dealer assignment form.

Exceptions:

1. Upon receiving ownership of a vehicle with a Canadian registration the dealer may transfer ownership to a **retail** customer by using the Dealer Statement of Sale on the Montana title form (Form MV1). If the dealer wishes to wholesale the Canadian vehicle to another dealer, they will have to first obtain a "TO."
2. Out-of-state dealers may use separate dealer assignment forms when transferring ownership of a vehicle to a dealer or a retail customer.
3. If a Montana dealer is named as purchaser from an out-of-state dealer on the last title assignment or a separate assignment, the Montana dealer must obtain a "TO" before they can wholesale or retail the vehicle.
   a. **Exception**: Out-of-state title extensions:

i. If the customer has the foreign (out-of-state) title and the Montana dealer is not the first assignor on the extension form, the Montana dealer can use the title extension to transfer their interest, if the title extension is from the same state as the foreign (out-of-state) title.

ii. If the out-of-state dealer uses the last assignment on the title extension to transfer to the Montana dealer, the Montana dealer must obtain a "TO." The extension does not need to be from the same state as the foreign (out-of-state) title.

Exception: If the title extension is from the same state as the foreign (out-of-state) title, the last assignment is to a Montana dealer but there is an assignment section open on the foreign (out-of-state) title, the Montana dealer can use that assignment to transfer to their purchaser.

b. If the title extension is not from the same state as the foreign (out-of-state) title and the out-of-state dealer assigned to a Montana dealer, the Montana dealer must obtain a dealer title only (TO) even if there is an open assignment on the extension.

B. If the titling document is an out-of-state/foreign salvage title or certificate the salvage inspection must accompany the paperwork. The transfer procedures described in section A (above) still apply.

1. If the dealer indicates that the inspection cannot be conducted because the vehicle has not been rebuilt and they are selling the vehicle as salvage, the dealer needs to use the re-assignments on the back of the Out-of-State Salvage Title or Certificate transferring to their buyer.

a. If there are no re-assignments on the back of the Out-of-State Salvage Title or Certificate the dealer will need to submit a damage report with the title or certificate, application for salvage title and $5. A Montana Salvage Certificate will be issued to the dealer.

2. A Montana Salvage Certificate will only be issued on vehicles that are newer than fifteen years old. To determine the age of the vehicle subtract the model year from the current calendar year.

Duties of Department – Records

A. Residence Address:

A vehicle owner must have a Montana residential address as required in MCA 61-3-101. MCA 61-3-303 provides that a person must register his/her vehicle in the office of the County Treasurer where the owner makes his/her permanent residence at the time of making application for registration.

If a dealer is selling vehicles to non-residents, the purchasers may not apply for Title and Registration in this state (Montana). They must register the vehicle in his/her state of residence.

If a Montana resident decides not to live in a house, but will be a mobile Montana resident and live in a recreational vehicle, he/she must show some evidence of residency such as a voter registration card, verification of filing a state income tax return, etc. Having a Montana driver's license is not sufficient evidence to verify residence.

If a person lives in a community where there are no assigned streets, house numbers or rural routes and they receive all of their mail by post office box; then his/her post office box must be accepted.

If a person does have a street or rural route but is reluctant to give it for personal reasons, explain to him/her that he/she must give it. This information must be provided for law enforcement purposes.

A person on active duty in the military stationed out-of-state, who does not have a Montana address, must provide a home-of-record certification from his/her personnel office or a copy of his/her Montana tax return.

B. Record Retention:

The Department may destroy (purge) any records and files for a vehicle that has not been registered within the last four years and does not have an active lien. If the last title issued is presented for transfer after the record has been purged the TRB will re-create the record. The vehicle record will be transferred from the purged file to the active file. Treat it as a regular Montana title transfer.

C. Public Records:

Motor vehicle records are available to the public; the Department of Justice shall furnish any information from the records, except personal information and highly restricted personal information, as defined in MCA 61-11-503, upon payment by the applicant of the cost of the information requested. The person requesting the information must complete an information request form and submit it to the Department with the required fee. The form for an Individual or Volume Request (Form MV210) may be obtained from the TRB.

Insured Losses [Rev. 7/24/13]

If the owner retains possession of a motor vehicle/trailer that has been determined an owner-retained total loss, the insurance company must notify the MVD by submitting a Notice of Total Loss Payoff (Form MV205). See Owner Keeps.

A. When an insurance company or its adjuster has taken possession of a motor vehicle/trailer 15 years old or older as a result of settling an insurance claim and transfers ownership of the motor vehicle, it shall deliver to the transferee at the time of transfer the title signed and acknowledged by the registered owners before the County Treasurer, a deputy County Treasurer, or a notary public.

The insurance company can transfer their ownership by executing the dealer assignment section on a title or a separate dealer assignment form. The insurance company must complete one of these assignments transferring interest showing the chain of ownership. The title cannot be given to the transferee without showing the insurance company as seller.

B. If the certificate of ownership names one or more holders of a perfected security interest, the insurance company or its adjuster shall also secure and deliver to the transferee a release from the secured party or lienholder of the security interest.

If the owner totaled the vehicle/trailer prior to completing the titling process, he/she will have to complete the registration process before a title can be issued in that owner.

C. When an insurance company or its adjuster has taken possession of a motor vehicle/trailer newer than 15 years old that has been determined a total loss, the insurance company must dispose of the salvage by complying with the salvage process. See Surrender of Title by Insurer for specifics.

D. To determine the year of the vehicle/trailer, subtract the model year from the current calendar year.

Kit Vehicles

Definition, see the Glossary appendix.

Kit vehicles will be registered and titled through the county treasurer's office.

A. The following documents are required:

- The Certificate of Origin for the kit. If the Certificate of Origin or title for the donor vehicle is not available, the new title must be acquired through the bonded title procedure. See Bonded Titles.
- The original title for the donor vehicle (if one was used).
- A Stage 1 inspection is required. If the donor vehicle is a salvage vehicle a Stage 2 inspection is required.

  Note: A state-assigned VIN will be required if the Certificate of Origin is not available. Form MV10B.

  - If the kit is a motorcycle the inspection must be documented on the Inspection Checklist for Motorcycles (Form MV70).

  Note: If the frame comes from a donor vehicle, the VIN from the donor vehicle will be used if the inspector is able to locate the original VIN on the frame.
- An Application for Montana Title (Form MV1).
- The applicant's county may require a Fact Sheet verifying the type of vehicle (Form MV121).

B. The vehicle will be registered and titled using the vehicle description listed on the Certificate of Origin.

Note: If the Certificate of Origin is not available, the year of the vehicle will be the calendar year in which application for title was made.

C. The Montana title and registration receipt will show "Kit."

Motor Vehicle Security Interests or Liens

Assignment of Security Interest or Lien

A secured party may assign their perfected security interest or lien to another secured party by submitting an assignment agreement executed by the assignor and assignee identifying the accounts being transferred along with the $8 lien fee (Form MV81B). The secured party's name and address will be updated on the electronic record; a notice of security interest/lien filing will be issued and sent to the new secured party or lienholder. If the assignee wishes to appear on the title as secured party or lienholder, they must submit the assignment agreement to the Title and Registration Bureau (TRB) with the titles for the vehicles involved in the transaction with a filing fee of $8 for each vehicle.

Different Dealers on Retail Installment Contract and Application

A dealer signing a retail installment contract does not have to be the dealer signing the dealer assignment on the title or the dealer's statement of sale on the Application for a Montana Title (Form MV1), however, there must be a dealer reassignment given by the financing dealer to the selling dealer. If it is a sale of a new vehicle, both dealers must be licensed to sell new vehicles.

Different Secured Party on Security Agreement or Lien Contract and Application

A. The security interest or lien section of the Application for a Montana Title (Form MV1) must show the same secured party and amount of security interest as indicated in the security agreement or lien document. If the name of the secured party differs, the secured party being deleted must submit an affidavit of no security interest to file and the name of the correct secured party must be entered on the application.

B. If a different secured party appears in error in the application section of the Montana title than the one entered on the security agreement or lien document, the secured party shown in the application section must submit a Statement of Fact (Form MV100) explaining that they have no security interest to file against the vehicle. The statement must include the complete vehicle description. The statement will be acceptable if it states they have no security interest against the individuals (will need to list the name of the people). The correct secured party's name must be entered on the application.

> **Exception**: When the county operator perfected the wrong security interest/lien. If the county treasurer operator enters the wrong secured party's name when processing the transaction, that operator may complete the statement of error. The statement must include the names of the wrong secured party, the correct secured party, the county operator name and the county for which they work. The operator who made the error must sign the statement.

Filing a Copy of Security Agreement or Lien Document [Rev. 7/24/13]

A. While a security agreement or lien document is not required to perfect a security interest or lien, if it is submitted it may be an original, carbon copy, photocopy, or fax. A copy does not have to be certified.

B. When accepting a retail installment contract that has been assigned to a financial institution, be sure to have the filing copy. If it's the buyer's copy, it probably does not have the dealer assignment on it. If the filing copy cannot be obtained, have the dealer sign a separate form assigning the contract to the secured party.

Information Required for the Security Interest or Lien

A. The security agreement or lien document does not have to accompany a title to perfect a security interest.

If the title is not accompanied by the security agreement or lien document, one of the purchasers must sign the application section (back of a Montana title or an Application for Montana Title (Form MV1) if an out-of-state title or MCO) to acknowledge the security interest or lien.

To perfect the security interest or liens complete the security interest/lien section on the title application of the Montana title or on the Application for a Montana Title (Form MV1) if there is an out-of-state title or an MCO. This is the preferred method. If the amount of security interest or lien in a dealer assignment on an MCO is different than the amount of security interest or lien on an MV1, a copy of the security agreement or lien document along with a statement explaining the discrepancy will be required. If the amount of the security interest or lien has been changed on the title application, a statement from the secured party explaining the alteration will be required along with a copy of the security agreement or lien document showing the correct amount.

B. If the security agreement or lien document does accompany the title, the following information is required:

- Name and address of the debtor;
- Name and address of the secured party;
- Complete description of the vehicle being used as security;
- The signature of the debtor;
- The amount of the security interest or lien.

The amount of the security interest or lien shown on the face of the title will be the total of payments, with the exception of a Simple Interest Note. The amount of the security interest for a Simple Interest Note will be the amount advanced.

C. If a dealer sells a vehicle on a retail installment contract that has been pre-printed with a secured party's name (e.g., Ford Motor Credit Company) and the dealer is not going to assign the contract to that secured party, the dealer may draw a line through the secured party's name, sign the assignment section as seller, and submit an accompanying affidavit that the contract is not being assigned.

D. If a financial institution is named as trustee, any officer of that institution can execute documents for the trust. A copy of the trust or trust affidavit is not necessary.

Involuntary Liens [Rev. 1/23/14]

Agister (Mechanic) Lien [MCA 71-3-1201]

A person (lien claimant) in possession of personal property (e.g., a vehicle) who renders a service has a special lien on the property.

If payment is not made within 30 days of rendering the service, the lien claimant in possession may enforce the lien. The agister lien is enforced through execution as detailed in Montana Code Annotated (MCA) Title 25, chapter 13.

Statute requires the lien claimant to obtain a court-issued writ of execution for the sheriff to seize the property. The writ of execution directs the sheriff to seize and, if necessary, sell property belonging to the debtor to satisfy the debt established by the special lien.

Statute also requires the lien claimant to provide the following information to the sheriff:

1. Description of the property
2. Name of the owner
3. Description of the services rendered

Once the vehicle is seized, the sheriff or levying officer is required to post and publish the intended sale of the vehicle.

An involuntary lien per MCA 61-3-103(6) only occurs when a sheriff seizes property pursuant to a writ of execution, issued after a lien claimant enforces a special lien, and after the sheriff's posting and publishing of the intended sale occurs. It does not occur when the services are rendered by the lien claimant.

An involuntary lien on a motor vehicle record may only be processed if a sheriff's posting and publishing are submitted.

The agister lien does not take precedence over a current security interest or lien unless requirements outlined in MCA 71-3-1202 are met.

Once the posting and publishing notices are received, the department will mail to the owner and any secured party or lienholder of record the name and address of lien claimant, amount of lien, and date of execution.

Once the involuntary lien is processed, the vehicle must be disposed of through a law enforcement sale (a.k.a., sheriff sale) using form MV24AB.

Judgment [Rev. 8/22/13]

A creditor may obtain a judgment through the court system when money is owed to them.

The judgment is enforced through execution as detailed in MCA Title 25, chapter 13. Statute requires the creditor to obtain a court-issued writ of execution for the sheriff to seize the debtor's property. The writ of execution directs the sheriff to seize and, if necessary, sell property belonging to the judgment debtor to satisfy the debt established in the judgment. This may include personal property (motor vehicles) titled in Montana. Once the vehicle is seized, the sheriff or levying officer is required to serve a notice of seizure upon the judgment debtor.

This process is often referred to as the means by which property of the judgment debtor is attached, as outlined in MCA 25-13-501.

An attachment per MCA 61-3-103(6) only occurs when a sheriff seizes property pursuant to a writ of execution issued after a creditor obtains a judgment and subsequent service of a notice of seizure. It does not occur when a judgment is obtained by the creditor.

An attachment to a motor vehicle record may only be processed if a writ of execution and notice of seizure are submitted.

Once the writ and notice are received, the department will mail to the owner, or any secured party or lienholder of record, the full title of the court and the action and names of the attorneys for the plaintiff and attaching creditor.

Once the attachment is processed, the vehicle must be disposed of through a law enforcement sale (a.k.a., sheriff sale) using form MV24AB.

Child Support Liens [MCA 40-5-247 & 248]

This is a lien that is submitted to the TRB by the Department of Public Health and Human Services (DPHHS)-Child Support Division to be perfected against vehicles owned by persons owing child support payments.

A. These liens are filed against vehicles using a notice of lien to file that is submitted by the DPHHS listing the name of the Obligor, his/her address, the amount of lien to file, and description of the property.

   1. The lien is entered against the record.
   2. The owner of record, current secured parties and the DPHHS office receive notification from this office that the lien was filed.
   3. The Child Support lien does not prevent license plate renewals. If a replacement application is received or the original title is submitted to either perfect a security interest or lien or to remove a security interest or lien, the child support lien is entered on the new title. If the title is submitted for transfer, the TRB notifies the applicant and any new secured parties of the support lien and DPHHS of the transfer. The letter informs all parties that if the release of security interest or lien is not received within 15 days the lien will be shown on the new title.
   4. If this lien is filed against a vehicle and the owner of that vehicle is not the same person the lien was to be filed against, the owner needs to contact the DPHHS and a lien-release will be required to remove the lien from the file.

Lessor/Lessee

A. If a lease agreement does not specifically state that the lessee is not to be named on the title (this is usually found under an "ownership" provision on the reverse side of the lease agreement), the names of both the lessor and lessee may appear on Line 1 of the

Application for a Montana Title (Form MV1) or as purchasers on a Montana title transfer. **When the Title is subsequently transferred, both the lessor and lessee must sign as seller.**

B. The lease agreement can be filed as a security interest or lien even though the owner and secured party or lienholder will be the same.

C. A title should not be issued in the name of the lessee only. If it is, the lessor should be shown on the title as lienholder.

D. If a vehicle is being titled in the name of the lessor or the lessor/lessee and a third party is being named as secured party or lienholder, a lease agreement with an assignment to the third party can be used to file the security interest or lien. If there is no lease agreement, a security interest or lien can be perfected with a security agreement or lien document between the third party and lessor or by entering the security interest or lien information on the title application.

Lien or Security Interest Satisfactions/Releases

If a security interest or lien is shown on a Montana title that is being transferred, the county treasurer's office should request a lien release or Release of Security Interest (Form MV37A) to submit with the title. If the lien release or Release of Security Interest is not submitted with the title application and the security interest or lien has not been released in the file, then the paperwork cannot be completed. The TRB will accept a fax of the security interest release to show that the SI has been released on the electronic record.

A. Information Required: A lien release or Release of Security Interest (Form MV37A), which may be a certified copy or fax from the secured party, must show the year, make and vehicle identification number of the vehicle, the name of the debtor and the full name of the secured party. If the title has multiple security interests or liens for the same secured party the amount of the security interest or lien must be shown on the release so that the TRB can determine which security interest or lien has been satisfied. The release of security interest or lien release for Montana titles must be notarized or, if a secured party is a corporation, their impressed corporate seal will be acceptable with the signature of a corporate officer in lieu of a notary. An out-of-state lien release or Release of Security Interest will be accepted to release security interest or lien on a Montana title-see Foreign Documents Requiring a Notary

> **Note:** Notice of Lien Filing forms (RMV37A) with the revision date of 8/92 do not require a notary. They contain the "Unsworn Falsification to Authorities" certification.

If a title is in more than one name, the TRB will accept a Release of Security Interest or Lien Release in just one of the owner names as long as the TRB has the year, make, and VIN on the release.

If the TRB has issued a title "showing a security interest or lien" on a title issued to a different owner, the release can be in either name (the current or the previous owner) as long as the secured party and vehicle description match what is on the title.

A Release of Security Interest or Lien for a transfer of equity will be in **only** the current owner's name.

B. Signature on Release of Security Interest or Lien: The signature of the agent signing for the secured party must include the full last name of the agent and his/her official capacity. Using just initials is **not** acceptable. This includes out-of-state titles that have a section providing for a release of security interest or lien. **Exception:** Montana will accept initials on California titles.

C. If a security interest or lien has been perfected at the county treasurer's office and the applicant pays off the security interest or lien before he/she goes to the county treasurer's

office to register the vehicle, the TRB will need a Release of Security Interest or Lien along with the title application and the state copy of the lien perfection receipt.

D. When to use a no lien or no security interest to file statement (must be completed on the Statement of Fact Form MV100). A no security interest or lien to file statement is used when a security interest or lien is entered on an Application for Montana Title (Form MV1, the back of a title or Certificate of Origin) in error or when a security interest or lien was to be perfected but the loan was paid BEFORE THE SECURITY INTEREST OR LIEN WAS PERFECTED at the county treasurer's office.

A release of security interest or lien release cannot be used in lieu of a No Lien or Security Interest to File Statement because a security interest or lien HAS NOT YET BEEN PERFECTED.

If a registered owner on a title has written their name in the security interest or lien section, the TRB will accept a statement of error on the Statement of Fact (Form MV100) in lieu of a no security interest or lien to file statement.

If a handwritten name in the security interest or lien section on the face of the title is not that of a registered owner, he/she must provide a no security interest or lien to file statement.

Information Required: The no lien or security interest to file statement must contain the name(s) of the person(s) against whom there is no lien or security interest to file and a complete description of the vehicle involved. The secured party being deleted must sign the statement. If a person is signing for a commercial entity, he/she must give his/her official capacity.

If there was a canceled sale, the no security interest or no lien to file statement must contain the complete description of the vehicle, state that the secured party or lienholder has no security interest in the vehicle. If the secured party or lienholder is the secured party or lienholder for the new buyer the statement must include the names of the person they have no security interest or no lien to file against.

E. No Interest Statement: A No Interest Statement from the secured party on a security interest or lien that has not been perfected will be accepted as a release. The statement needs to indicate the secured party has no "security" interest in the vehicle. (Do not confuse this with the statement on some foreign titles, such as California and Hawaii, that require a signature "to release the interest" of a legal owner. It is clearly the intent of these statements to release the security interest or lien.)

F. Security Interest or Lien on Out-of-State Title:

1. If the person applying for a Montana title is the registered owner on the out-of-state title, the security interest or lien must be released or entered in the security interest/lien section of the Application for Montana Title (Form MV1).
2. If the person applying for a Montana title is not the registered owner on the out- of-state title, a release of security interest or lien must be submitted.
3. A Washington Release of Interest (Form TD 420 050) is acceptable as a release of security interest or lien.
4. Perforated "PAID" stamp on Florida titles is not acceptable.
5. If the release is a state form and does not provide for a notary, the TRB will not require that the form be notarized.
6. A certified copy of a release of security interest or lien is acceptable.

G. Manufacturer's Lien on MCO: When Ford Motor Company delivers a vehicle to a dealer under the Ford Rent-A-Car System, they will enter their lien on the face of the MCO. Ford Motor Company is paid for the vehicle once the dealer sells it.

Upon receiving payment, Ford Motor Company will issue a release to the dealer that will be attached to the MCO. The TRB will accept the release form in lieu of a Statement of Fact (Form MV100) explaining that there is no security interest or lien to file.

H. Secured Party's Signature:

1. A release for a security interest or lien that is filed on a Montana title requires the signature of the secured party and, if signing for a commercial entity, the official capacity of the person signing the release.

2. Out-of-State Titles:

   a. If an out-of-state title has a section to release the security interest or lien and does not provide for a notary acknowledgement, the TRB will not require the signature to be notarized. This would also be true if the release is on a separate form from another state and it has no provisions for a notary acknowledgement or for witnesses.

   b. Secured Party and Lienholder's may release their interest on Florida, Wisconsin and New Jersey titles by using a rubber "PAID" stamp on the face of the title showing the secured party's name, full signature of agent and date released.

3. Secured party or Lienholder Deceased:

   When the secured party or lienholder is an individual and that individual is deceased, the surviving heir can sign a release of security interest or lien release as "surviving heir of John Doe." The surviving heir must submit a certified copy of the death certificate. If there is an estate requiring probate the release of security interest or lien release would be signed by the personal representative and a certified copy of the letters of appointment must be submitted.

4. Security Interest or Lien released in error:

   Before a security interest or lien can be put back on file, the secured party or lienholder must submit the title and re-file the security interest or lien. The $8 fee to file the security interest or lien is required.

   If the secured party or lienholder is repossessing the vehicle they do not need to re-file the security interest or lien. They would only submit a statement verifying the security interest or lien was released in error along with the repossession form and appropriate title fee.

I. Lien Satisfaction Penalty: A secured party or lienholder who fails to file a satisfaction [release] of a lien within 21 days after receiving final payment shall be required to pay the Department $25.00 for each day that the secured party or lienholder fails to file the satisfaction.

J. If the owner wants a clear title issued he/she will need to submit the title and the appropriate title fee.

K. The TRB no longer issues replacement MV37A documents. Form MV37A can be used to release a security interest.

More Than One Vehicle on Security Agreement or Lien Document

If the security agreement or lien document lists more than one vehicle, the titles to all of the vehicles for which the ownership is being transferred must be submitted to the county treasurer's office for the security interest or lien to be perfected. The county must forward to the Title and Registration Bureau (TRB) the security agreement or lien document with all the titles attached. If the security agreement or lien document includes vehicles for which collateral liens are to be perfected, the titles for those

vehicles shall not be submitted to the county treasurer's office, but must be submitted to the TRB for perfection. Indicate on the security agreement or lien document those vehicles, which are subject to a collateral lien filing. When a security interest or lien is not to be perfected on certain vehicles listed, a letter of authorization from the secured party or lienholder must be submitted to delete those vehicles from the security agreement or lien document for filing purposes only.

Perfection, Subsections (1)(2)(5)(6)

A. What is perfection: Perfection is a legal term referring to security interests. Perfected security interests have priority over unperfected interests and the date of perfection determines priority among several perfected security interests.

B. What is a collateral lien: As opposed to security interest or liens on transfers of ownership, collateral liens are security interest or liens covering personal property where there is not a transfer of ownership.

C. Where perfected: All security interest or liens on vehicle title transfers and new vehicle purchases must be perfected at the county treasurer's office. Collateral liens not requiring a transfer of ownership must be perfected by submitting the completed documents to the TRB.

1. If ownership of a prorated (apportioned) vehicle is being transferred and there is a security interest or lien to be filed, the security interest or lien must be perfected at the county treasurer's office

2. A collateral lien or security interest may be perfected at the time of applying for a replacement title by submitting a copy of the signed security agreement or lien document along with the application for replacement title, the required replacement title fee and the filing fee.

D. How perfected:

1. A security interest or lien cannot be perfected without the Application for Montana Title (Form MV1) or Manufacturer's Certificate of Origin (MCO) for a motor vehicle or one of the appropriate ownership documents for boats, snowmobiles or off-highway vehicles. The title or MCO must be accompanied by a legible copy of the security agreement or lien document or by entering the security interest or lien information in the appropriate section on the back of a Montana title or on Form MV1.

2. The security interest or lien-filing fee of $8 must be paid at the time of perfection.

3. A security interest or lien cannot be perfected without the applicant's signature. This may be accomplished by the applicant's signature appearing on the security agreement or lien document or on the title application listing the security interest or lien information.

   If the security interest or lien is perfected at the county treasurer's office, but the owner fails to register and apply for title the secured party or lienholder can force the security interest or lien to have the title issued. See **Forced Liens** under Montana title transfers and Repossessions.

4. If the above requirements have not been complied with, the security interest or lien cannot be perfected and the documents must be returned to the secured party or lienholder/dealer.

5. If the transaction is being pre-entered to perfect a security interest or lien and the system rejects it due to an invalid VIN, the security interest or lien cannot be perfected and the documents must be returned to the secured party or lienholder/dealer. This would also apply if the vehicle has no vehicle identification number (VIN).

   Note: If the documents meet the requirements as outlined in this section to perfect a security interest or lien but an error exists relative to the transfer of ownership, the county treasurer's office must accept delivery of the documents

and issue a lien perfection receipt. However, the applicant will not be able to register the vehicle until the error is corrected.

Unless the security interest or lien is revoked or if a person must register in another county, **do not** release the titling documents once the security interest or lien has been perfected and a lien perfection receipt has been issued.

E. Lien perfection receipt:

On the day of delivery to and acceptance by the County Treasurer, the County Treasurer shall issue a lien perfection receipt evidencing the perfection. This is the date of perfection (not the contract date) that will be shown on the title. The receipt shall show the complete vehicle description, owner information, lienholder information and date of perfection. One copy of the receipt shall be sent to the lienholder. The lien perfection date on the title will be the date of the lien perfection receipt.

F. Security interest or liens on vehicles held in a dealer's inventory are not perfected at the county treasurer's office; they are perfected in accordance with Montana Code Annotated Title 30, Chapter 9.

Revocation of Lien or Security Interest

A. Revocation of lien or security interest: If a sale has been canceled after the security interest or lien has been perfected, the following is required:

1. Collect the state and both owner copies of the receipt;
2. Get an affidavit from the secured party or lienholder containing the name of the debtor, the complete vehicle description and a statement that the sale was canceled and they are revoking their lien or security interest;
3. The county attaches the affidavit to the receipts and retains them for auditing purposes;
4. There shall be no refund of the filing fee;
5. County cancels transaction;
6. Return papers to the secured party or lienholder/dealer.

Pledge by One Other Than the Borrower

A title can be used as added security even though the registered owner is not the debtor. The owner must sign a separate statement on the lien document, or a separate document, pledging the vehicle as security. This is a collateral lien and must be perfected at the TRB. (The difference between a person who co-signs on a loan and a person who only pledges a vehicle is that a co-signer is liable for the entire debt while the pledgor is not liable for any part of the debt that exceeds the value of the vehicle.)

Promissory Note

A Promissory Note that contains a provision that the loan is secured by a security agreement cannot be used to perfect a security interest or lien. The security agreement must be provided.

Renewal Liens

A renewal lien is when a secured party or lienholder is renewing a security interest or lien that has already been perfected under the Uniform Commercial Code, Title 30. Renewal liens are not required for the type of security interest or liens filed with the TRB under MCA Title 61 and Title 23; however, if such a document is received it should be forwarded to the TRB.

Retention of Security Interest or Lien Documents

If the security agreement or lien document is submitted with the title, DO **NOT** THROW IT AWAY! Submit it with the transaction. This also applies to security interest or lien documents returned for correction.

Seizures Related to Controlled Substances

A. If a security interest or lien is perfected prior to the seizing agency filing a petition with the court to institute forfeiture proceedings, the security interest or lien will be a valid lien pending disposition of the matter by the court.

B. If a security interest or lien is perfected after the seizing agency has filed a petition with the court to institute forfeiture proceedings, a clear title will be issued upon receipt of a forfeiture order, unless ordered otherwise by the court. See also MCA 44-12-201.

Show Lien

Existing security interest or lien carried forward to new or additional owner.

A. When a name is to be added to a title with a pre-existing security interest or lien, a Letter of Consent should be obtained from the secured party or lienholder.

B. A filing fee is not required.

C. When a title is to be transferred from one owner to another and there is a pre-existing security interest or lien that has not been released and the release of security interest or lien release is not submitted with the paperwork, the TRB will issue the title to the new owner showing the security interest or lien.

D. The new title that is issued will show the original amount of the security interest or lien and perfection date.

E. A new lien perfection receipt is not generated nor is the security interest or lien entered again on the system.

Signatures Acknowledging Security Interest or Liens

A. When title is being transferred:

1. If the title is not accompanied by the security agreement or lien document, one of the purchasers must sign the application section (back of a Montana title or an Application for a Montana Title (Form MV1) if an out-of-state title or MCO) to acknowledge the security interest or lien.

2. If the title is accompanied by the security agreement or lien document, the person signing that document must also be named on the title. Any number of people can sign the security agreement or lien document, but only one of those people have to be named on the title.

Exception: If a title is in an individual's name but the security agreement or lien contract is in a corporate name, the TRB will accept it if the individual named on the title signed as a corporate officer.

If title is in a corporate name but the security agreement or lien contract is in an individual's name, the security agreement or lien document must be signed by a corporate officer as guarantor.

B. When vehicle is used as collateral for a loan (ownership is not changing):

1. When ownership is not being transferred, if the security agreement or lien document is not submitted the security interest or lien information must be entered on the back of

the title and the vehicle owner or one of the vehicle owners must sign the application section of the title to acknowledge the security interest or lien.

2. If the security agreement or lien document is submitted, the application section of the title need not be signed as long as the person(s) named on that document is the person(s) owning the vehicle.

   If the last name on the security agreement or lien is different than the last name on the title (e.g., recently married) a one-and-the-same statement is acceptable.

Signatures Required on Retail Installment Contract

The dealer and the applicant must sign a Retail Installment Contract. If the contract is being assigned to a financial institution, the dealer must sign the dealer assignment. The person signing for the dealer must give their official capacity. If the filing copy of the contract does not have an assignment section, a separate assignment can be used.

Substitution Agreement

A substitution agreement is used when a vehicle that had been encumbered, as security for a loan, is later replaced by a different vehicle.

A. The minimum information required on the agreement is:

- The original date of the agreement;
- The original amount of security interest;
- Complete description of the vehicle being released;
- Completed description of the substitute vehicle;
- Debtor's signature;
- Name and address of the secured party or lienholder;
- Signature of the secured party or lienholder.

B. The original security agreement or lien document must accompany the substitution agreement.

C. A release of security interest or lien release must be submitted for the vehicle being deleted from the lien document.

D. The title for the substitute vehicle must be submitted.

E. The lien-filing fee must be paid.

F. The original perfection date and amount of security interest will be used on the new title.

Title Lenders (MCA 31-1-825)

Title loan lenders are licensed with the Department of Administration-Division of Banking and Financial Institutions.

A title lender may not hold a title for more than 30 calendar days of the date of the security agreement or lien contract without perfecting their security interest/lien. If the security interest/lien has not been perfected within the 30 days the lien cannot be perfected on the title.

Title Sent to Secured Party or Lienholder

Montana is not a "title holding" state and titles are mailed to the registered owner, unless the TRB is directed to mail the title to an out-of-state secured party or lienholder. If the out-of-state secured party or lienholder wants to hold the title until their security interest or lien is satisfied, the debtor

(applicant) must sign a separate mailing authorization. See Request for Foreign Title Transfer (Form MV63).

If a Montana secured party or lienholder wants to maintain possession of the title they will need to make arrangements with the owner to bring the title in when they receive it. See MCA 61-3-218.

Transfer of Equity

A. What is a Transfer of Equity?

A Transfer of Equity is used when a vehicle is sold and the new owner is assuming the balance of an existing security interest or lien. The amount filed on the new owner's title is the original amount of the loan, not the balance of the loan being assumed; and a new lien perfection date is used **(this date will be changed when the title is being issued at the TRB**. **The security interest or lien is not to be entered on the system nor is a new lien perfection receipt to be issued if the security interest or lien has already been filed and a Montana title is used)**.

B. Original Security Interest or Lien Filed in Another State:

A security interest or lien filed in another state may be transferred to a new owner applying for a Montana title with a Transfer of Equity. Submit the Transfer of Equity form with the title, an Application for a Montana Title (Form MV1), and a copy of the original security or lien document. The out-of-state title will be accepted even though the security interest or lien was released if the date of the Transfer of Equity is after the release date. **The security interest or lien is entered on the system and a lien perfection receipt is issued because the security interest or lien is being filed for the first time in Montana.**

C. Signatures Required:

When a Transfer of Equity agreement is submitted, the seller(s) whose name(s) appear on the original security or lien document, purchaser(s) and the secured party or lienholder must all sign it. The dealer must also sign the agreement if a retail installment contract has been assigned with recourse.

D. More Than One Vehicle on Loan:

1. If all of the vehicles are being transferred to the same purchaser, a Transfer of Equity may be used.
2. If all of the vehicles are being transferred, but to different purchasers, a Transfer of Equity may be used for one of the purchasers. A release of security interest or lien must be submitted for the other vehicle(s).

E. A filing fee of $8 is required.

Trust Indentures

A Trust Indenture is used to encumber real property and often includes the description of a mobile home. A Trust indenture cannot be used to encumber a mobile home; a UCC1, security agreement, or other lien document must be used.

Odometer Disclosure Requirements

Federal Truth in Mileage Act (TIMA)

A. General Information:

The Truth in Mileage Act (TIMA), which went into effect April 29, 1989, amended the federal law requiring odometer statements. Specifically, the rules include:

1. Provided that mileage disclosures be made on titles;
2. Provided that a secure process must be used to produce titles;
3. Added disclosure requirements for lessors and lessees;
4. Limited the use of powers-of-attorney.

The transferor (seller) of a motor vehicle that is nine years old or newer, will have to disclose the actual mileage of the vehicle to the transferee (buyer) when ownership of the vehicle is being transferred. Exemptions are:

1. A vehicle having a gross vehicle weight rating of more than 16,000 pounds;
2. A vehicle that is not self-propelled;
3. A vehicle that is 10 years old or older;
4. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contracted specifications;
5. A transferor of a new vehicle prior to its first transfer for purposes other than resale need not disclose the vehicle's odometer mileage. (Interpretation: a new vehicle transferred between dealers.) UNDER STATE LAW a new vehicle that has been used as a demonstrator and transferred between dealers is not exempt from odometer disclosure.

   For purposes of TIMA, the definition of a "Transferor" is any person who transfers his ownership in a motor vehicle by sale, gift or any means other than by creation of a security interest, and any person who, as agent, signs an odometer disclosure statement for the transferor. The definition of a Transferee reads the same as a Transferor except that a Transferee is any person to whom the ownership of a vehicle is being transferred. VIOLATION OF THE TIMA RULES MAY SUBJECT A PERSON TO FEDERAL AND STATE FINES OR IMPRISONMENT.

B. Odometer Disclosure Required on Titles:

TIMA requires that all titles must provide a disclosure statement in the assignment section with specific disclosure information, as follows:

1. An odometer reading that specifies "no tenths"
2. Hand-printed name of transferor and transferee and address; TIMA does not recognize a typewritten name as being "printed."

This is referred to as a "conforming" title and the intent is to phase out the use of separate odometer statements when a title is being transferred. Montana began issuing a conforming title in August 1989.

Currently, if a conforming generic power-of-attorney form is signed by the vehicle owner, disclosing the odometer and is signed by the party appointed power-of-attorney verifying that disclosure, it will be accepted.

Eventually, separate odometer statements will only be used for new motor vehicles and vehicles that have been registered in a foreign country. When a conforming title is being transferred, the odometer statement in the assignment section of the title MUST be completed. A separate odometer statement CANNOT be used.

C. Separate Odometer Statements:

A separate odometer statement must accompany non-conforming titles and documents for new vehicle sales. The odometer statement must contain:

1. The odometer reading at the time of transfer (not to include tenths of miles);
2. The date of transfer;

3. The transferor's printed name and current address;

4. The transferee's printed name and current address;

5. The identity of the vehicle including make, model, year, body type and the vehicle identification number.

6. The transferor's signature.

The transferor, or his/her agent, must provide the odometer reading and certify that it is the actual mileage, that the odometer reading exceeds the mechanical limits, or that the odometer reading does not reflect the actual mileage and should not be relied upon. A statement that the odometer reading is UNKNOWN may not be used and is in violation of the TIMA.

The transferee, or his/her agent, must sign the odometer statement acknowledging the odometer reading.

D. Power-of-Attorney:

1. Secure Form: The federal government requires that any power-of-attorney used in conjunction with an odometer reading be on a form printed by a secure process to deter counterfeiting and alterations, if the person acting as attorney-in-fact is the transferee (purchaser). The design, format and distribution of this form must be prescribed by the state.

Note: "Secure process" is defined as one, which both deters counterfeiting and/or unauthorized reproduction <u>and</u> allows alterations to be visible to the naked eye.

2. Non-secure Form: If the person exercising the power-of-attorney is not the transferee, a non-secure power-of-attorney is applicable under any circumstance. See the general section on powers-of-attorney.

3. No person exercising a power-of-attorney shall sign the odometer disclosure statement as both the transferor and the transferee in the same transaction.

   a. A power-of-attorney can be used to apply for a replacement title and to sign the replacement title off for the registered owner, even though the person exercising their power-of-attorney is also the transferee (dealer). The original power-of-attorney will be submitted with the application for replacement title and the carbon copy will accompany the replacement title when it is signed off if the title is being transferred in Montana.

4. The transferor – owner of the trade-in – will enter the odometer reading on the power-of-attorney form and it will be acknowledged by the transferee—dealer. When the dealer receives the title from the secured party or lienholder the dealer, or his/her agent, must complete the assignment section of the title and enter the odometer reading exactly as it appears on the power-of-attorney form. If it is a non-conforming title the dealer or his agent will complete a separate odometer statement entering the odometer reading exactly as stated on the power-of-attorney form and signing it for the transferor.

E. Dealer Reassignment Certificates:

Effective January 1, 1996 Montana licensed dealers, brokers, and wholesalers may not use separate dealer reassignment certificates. They must apply for a "Title Only" after the last assignment on a title has been used. See Dealer Title Only.

Separate dealer reassignment certificates must also contain the required odometer statement information. The transferor and the transferee must sign them; their names must also be printed and their current addresses entered on the form.

If a person is employed as a title clerk for two separate dealerships and is authorized to

execute documents for both dealerships, that person may execute dealer assignments as seller and as buyer.

A secure process to deter counterfeiting and alterations must also be used to print dealer reassignment forms. The design, format and distribution of this form must be prescribed by the State.

F. Lessors and Lessees:

Before executing any transfer of ownership document, each lessor of a leased motor vehicle shall notify the lessee in writing that the lessee is required to provide a written odometer disclosure to the lessor regarding the mileage. This notice shall contain a reference to the federal law and shall state that failure to complete or providing false information may result in fines and/or imprisonment. This notice can be a part of the lease agreement or by separate notice.

In connection with the transfer of ownership of the leased motor vehicle, the lessee shall furnish to the lessor an odometer statement regarding the mileage of the vehicle. This statement must be signed by the lessee and contain the following information:

- The printed name of the person making the disclosure;
- The current odometer reading (not to include tenths of miles);
- The date of the statement;
- The lessee name and current address;
- The lessor name and current address;
- The identity of the vehicle including its make, model, year, body type and the identification number;
- The date the lessor notified the lessee of disclosure requirements;
- The date the completed disclosure statement was received by the lessor, and
- The signature of the lessor and the printed name.

The lessee shall certify that to the best of his/her knowledge the odometer reading reflects the actual mileage, the odometer reading exceeds the mechanical odometer limit or that the odometer reading is not the actual mileage and should not be relied upon.

If the lessor transfers the leased vehicle without obtaining possession of it, the lessor may indicate on the title the mileage disclosed by the lessee on the odometer statement, unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle. In this event a visual inspection of the odometer should be made to ascertain the true mileage.

G. Retention of Odometer Disclosure Statements:

Dealers and distributors of motor vehicles who are required to execute an odometer disclosure statement shall retain for five years a photocopy, carbon or other facsimile copy of each odometer mileage statement which they issue and receive. They shall retain all odometer disclosure statements at their primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval.

Lessors shall retain, for five years following the date they transfer ownership of the leased vehicle, each odometer disclosure statement that they receive from a lessee. They shall retain all odometer disclosure statements at their primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval.

Each auction company shall establish and retain at its primary place of business in an order that is appropriate to business requirements and that permits systematic retrieval, for five years following the date of sale of each motor vehicle, the following records:

- The name of the most recent owner, other than the auction company;
- The name of the buyer;
- The vehicle identification number; and
- The odometer reading on the date that the auction company took possession of the motor vehicle.
- Dealers, distributors and auction companies that receive a title that conforms to the TIMA requirements will not have a separate odometer statement to keep in their file. A photocopy of the title will have to be retained.
    1. State law provides that odometer information may be recorded on the auction receipt or invoice, or may be maintained as a portion of a computer database or manual file.
    2. An auto auction that executes a transfer of ownership as an agent on behalf of a seller or buyer is responsible for providing an odometer disclosure statement for the seller or an odometer disclosure acknowledgement for the buyer.

H. Involuntary Transfers:

There are many reasons for ownership of a vehicle to change without owner involvement. Reasons include but are not limited to: court order, repossession, a sheriff or police sale, death of an owner or probation of an estate. Where an involuntary transfer occurs (court order not withstanding) an odometer disclosure statement is required if the transferor and the transferee are not the same person.

Example: The personal representative of an estate (transferor) would have to complete an odometer disclosure statement if the vehicle was sold to another party (transferee). A survivor of a decedent applying for a title by right-of-survivorship would not have to complete an odometer disclosure statement because he/she would be the transferor and the transferee. A secured party or lienholder named on a repossession title would be a transferor and must provide an odometer disclosure statement.

If the transferor and the transferee are the same person, or if a co-owner is being added or deleted, an odometer statement is not required, but the current odometer reading must be noted on both the application for title and on the title certificate. The notation "Odometer Reading Not Certified" may be shown on the title at the discretion of the issuing jurisdiction.

If a court order determines ownership, an odometer disclosure statement is not required. However, the person awarded the vehicle by such order must provide the State with a current reading on the application for title.

I. Odometer Repair or Replacement:

Repaired or replaced odometers must register the same mileage reading as before the repair or replacement. Submit a statement verifying the mileage at time of the cluster was repaired or replaced and the current mileage showing. The title will show the mileage as “not actual discrepancy.”

If the odometer is incapable of registering the same mileage, then the odometer must be adjusted to read "0." A durable label must then be attached to the left doorframe of the vehicle specifying the mileage prior to repair or replacement of the odometer and the date it was serviced.

J. Odometer is Missing or Unreadable:

The transferor must note on the disclosure form that it is impossible to provide an odometer reading and the reason it is impossible, and must check the "Not Actual Mileage" box.

K. Odometer Reading is in Kilometers and Not Miles:

The transferor must cross out the word "miles" and substitute the word "kilometers" in the

disclosure statement, and both the transferor and transferee must initial the change. The title will be printed with "odometer is kilometers" in the other pertinent data field on the title.

L. Odometer reading is converted from KM to Miles:

To convert an odometer reading from KM to Miles by replacing the cluster, one of the following must be submitted. Both require a separate conforming odometer statement.

1. Conversion statement that includes:
   a. Name of the company/business converting the odometer
   b. Vehicle description
   c. Kilometers in
   d. Miles out
   e. Technicians signature or initials
2. Statement of Fact (Form MV100) stating no conversion is needed due to Options on the vehicle (e.g., conversion switch is an option on a 2001 Buick).

   The Montana title will show "odometer converted to miles at 123,456 KM" and will read as actual miles.

Information Required

A. The seller of a motor vehicle shall record on the title the odometer reading at the time of transfer, or, if the title does not provide for the recording of the odometer reading, furnish to the purchaser a written statement signed by each seller, containing the following information:

1. The odometer reading at the time of transfer, not to include tenths of miles;
2. The date of transfer;
3. The seller's name and current address;

   Note: A dealer executing a separate odometer statement must appear in the chain of ownership on title transfer documents.
4. The purchaser's name and current address;
5. The vehicle year, make, body style and identification number;
6. One of the following statements or certification:
   a. A certification by the seller that, to the best of his/her knowledge, the odometer reading reflects the actual miles or kilometers the vehicle has been driven;
   b. If the seller knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical limit of 99,999 miles or kilometers, he/she shall include a statement to that effect; or
   c. If the seller knows that the odometer reading differs from the number of miles or kilometers the vehicle has actually traveled and that the difference is greater than that caused by calibration error, he/she shall include a statement that the odometer reading is not the actual mileage and should not be relied upon;
   d. A person cannot state that the mileage is unknown.

B. The purchaser shall acknowledge receipt of the disclosure statement by signing it.

C. Photocopies of dealer odometer disclosure statements will be accepted.

D. Dealers and wholesalers must keep a record of odometer statements for five years.

E. Federal law requires the printed name of all parties as well as their signatures.

Self-Certification

A. If a vehicle was purchased in a foreign country other than Canada, or was acquired through an involuntary transfer (such as court order, law enforcement sale, or right of survivorship), the purchaser must provide the current odometer reading on the Application for Montana Title (Form MV1) or on a separate odometer statement.

B. If a vehicle was purchased from a U.S. or Canadian resident who cannot be located, the purchaser must make an attempt to contact the seller by mail requesting an odometer statement. When the letter is returned as undeliverable, the envelope must be retained, **unopened**, and the purchaser must complete an odometer statement providing the odometer reading.

C. A lessee acquiring ownership of the leased vehicle can self-certify to the mileage on a separate odometer statement if the lessor has failed to state the mileage in the assignment section of the title.

D. During the application process for a replacement title, or application for a collateral loan or repossession, the person in control of the vehicle can use the Statement of Fact (Form MV100) to self-certify the odometer (document the mileage) at the time of application.

Vehicles Not Subject to Disclosure

A. A motor vehicle 10 years old or older.

B. A vehicle that is not self-propelled.

C. A new motor vehicle transferred between dealers and wholesalers prior to its first retail sale, unless such vehicle has been used as a demonstrator.

D. A vehicle having a gross vehicle weight rating of more than 16,000 pounds.

E. A vehicle sold directly by a manufacturer to any agency of the U.S. Government.

F. An odometer statement is not required when a name is being added to or deleted from a title; or when the name is legally changed. An odometer statement is required when complete ownership is being changed.

G. Off-Highway Vehicles (OHVs).

Vehicles Subject to Disclosure

A. All motor vehicles, including motorcycles that are nine years old or newer. This includes new motor homes.

- The age of a vehicle is determined by subtracting the model year from the current calendar year.
- All motor homes that have been titled are subject to disclosure as there is no way to determine the vehicle's GVW rating. Motor homes that have a GVW rating of over 16,000 pounds as indicated on the MCO are not subject to disclosure.

B. Individual sales as well as dealer sales.

C. Vehicles transferred for purposes other than resale (e.g., gifts, etc.).

D. Secured Party or Lienholders must disclose the mileage when transferring titles for repossessed vehicles.

Off-Highway Vehicles (OHVs) Definitions (MCA 23-2-801)

A. "Off-highway vehicle" means a self-propelled vehicle used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, Kawasaki Mules and any other means of land transportation deriving motive power from any source other than muscle or wind.

1. Amphibious Vehicles:

   If the applicant is going to use this vehicle on water and land it must be registered as both an off-highway vehicle (OHV) and a vessel. It will be titled as a vessel.

   If the vehicle is not going to be operated on the water advise the county office at the time of registration and they will register as an OHV-only.

2. Golf Carts:

   Montana no longer registers or titles golf carts. If a golf cart was previously registered or titled, the owner can retain the registration and title for his/her records. If the golf cart is sold, the owner can give the title and a bill of sale to the new owner for his/her records.

3. Go-Carts:

   Montana does not register or title go-carts. If a go-cart was previously registered or titled the owner would retain the registration and title for his/her records. If the go-cart is sold, the owner would give the title and a bill of sale to the new owner for his/her records.

   Newer go-carts may be considered non-conforming light vehicles if they meet the requirements listed in that section. See Non-conforming light vehicles.

B. Off-highway vehicle does not include:

- Vehicles designed primarily for travel on, over, or in the water;
- Snowmobiles; or
- Except as provided in MCA 23-2-804, vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the vehicle is used for off-road recreation on public lands.

C. Dealer Requirements:

- New off-highway vehicles: The seller must be licensed as an OHV dealer.
- Used off-highway vehicles: The seller must be licensed as a Montana dealer.
- Sellers who are not a Montana-licensed dealer must obtain a Montana title in his/her name to transfer to their buyer.

For Replacement title information. see Replacement Titles.

Certificate of Title for OHV

Machines that must be titled and registered as OHVs: All machines as defined in MCA 23-2-801 that are operated on public lands.

Machines **not** required to be titled as OHVs [MCA 23-2-802]:

A. Owned or used by the United States or another state or an agency or political subdivision thereof;

B. Registered in a country other than the United States or in another state of the United States, temporarily used within this State for no more than 30 days.

C. A licensed motorcycle or licensed quadricycle used for fishing and hiking access, camping or picnicking on a visible two-track trail or road within one mile of a designated road.

Documents Accepted as Evidence of Ownership to Apply for an Original Montana Title [Rev. 7/24/13]

A. Out-of-state title; or, registration from a non-titling state

Note: Foreign/Out-of-State Title:

A bill of sale can be used in transferring first and subsequent interest in an out-of-state title **if** the seller is not a Montana resident or a licensed Montana dealer. A Montana resident acquiring an OHV with an out-of-state title must title and register the OHV before transferring ownership.

The registered owner of an out-of-state OHV can sign-off the original title or sign a notarized bill of sale to accompany the out-of-state title or registration.

The out-of-state title or registration must accompany the bill of sale.

(See the appendix for other states' OHV titling requirements.)

B. Manufacturer's Certificate of Origin (MCO)

- An MCO may be transferred with a notarized bill of sale by executing a re-assignment section on the reverse side of the MCO or by completing the dealer assignment section on an Application for Montana Title (Form MV1).

C. If the ownership document (listed above) is not available, the applicant will need to obtain title by following the instructions listed below:

If a Montana resident acquires an OHV and the previous owner cannot be located to complete a proper transfer, the applicant must apply for title by completing the Application for Break/Bond Title (Form MV10) as instructed on the reverse side of the form and following the procedure listed in Defective Title or Insufficient Evidence of Ownership.

D. **However,** if a security interest or lien is to be filed, the paperwork must be submitted through the County Treasurer's office.

For Replacement Title information, see Replacement Titles.

Form MV1, Application for a Certificate of Title - How to Complete [Rev. 7/24/13]

See Form MV1.

Section A.

The applicant name in this section must agree with the applicant's signature at the bottom of the application, and must also agree with the registration receipt that is issued.

Driver license and state where the driver license was issued, or identification number, FEIN, Tribal ID, Corp ID is required.

The title will be issued with the legal name of the person whose driver license it was issued to.

If the applicant's name has been written and is illegible, type the correct spelling in parenthesis next to the handwritten entry.

Montana titles cannot be issued with a title preceding the owner name. Example: DR, MR, MRS, REV.

Montana does not recognize the conjunction "or" on Montana titles because all signatures are required to transfer title.

Enter the mailing address of the applicant. Registration renewal notice cards and the title are mailed to this address.

The residential address is required.

If the OHV is being leased, enter the LESSEE'S address as residential address. This address must be a Montana address. This should be a street or rural route address, must be of the same county as that in which the OHV is being registered, and must agree with one of the addresses on the registration receipt.

The county-of-residence is the county in which the OHV is being registered.

Section B:

Manufacturer's Suggested Retail Price is not required.

The year is the year of manufacture. For new OHVs, this must agree with the year indicated on the Manufacturer's Certificate of Origin (MCO). Kawasaki Mules may not have a year indicated on the MCO, so the TRB will use the year assigned by the dealer.

The make name is the make name listed on the MCO.

The model name is required.

The body style is required (2-wheel or 4-wheel).

Enter the vehicle identification number (VIN) as it appears on the Manufacturer's Certificate of Origin or out-of-state title. Do not enter this information from a registration receipt unless the vehicle is from a non-title state (registration receipts may contain typographical errors). If there is not year listed on the Manufacturer's Certificate of Origin, the tenth character in the conforming VIN indicates the model year.

Use common colors, not fancy names.

Fuel Type is NA.

Unladen Weight is NA.

If the vehicle is a motorcycle or quadricycle, enter the wheelbase and wheel diameter.

Section C:

ALWAYS ASK THE APPLICANT FOR SECURITY INTEREST OR LIEN INFORMATION. If the OHV is being financed, enter the complete name, address, and zip code for the secured party or lienholder. If this section is completed, but the loan has been paid, have this section marked PAID with a full signature of the secured party or lienholder, obtain a Statement of Fact (Form MV100) explaining that there is no security interest or lien to file, or submit a new Application for Montana Title (Form MV1). If there is to be a new secured party or lienholder, submit a new MV1 with the original MV1.

If the applicant states that the OHV is clear of any security interest or liens, check the box indicating No. If this section is left blank and that box is not checked, the application will be returned to be completed.

This application has room for two security interests/liens to be entered. If there is more than two security interests/liens to be perfected, the security agreement or contract for the third and any additional security interests/liens must be submitted.

Section D:

If the OHV was acquired used, a title or registration from a non-title state must be submitted.

The dealer must complete this section if the OHV was acquired new and an MCO must be submitted. If the OHV was acquired used, the Montana dealer must complete the reassignment section on the foreign title. If there is not a reassignment on the foreign title for the Montana dealer to complete, that dealer must submit the paperwork to the dealer services section in the TRB applying for a Title Only. **See the Dealer Title Only section.**

If an out-of-state dealer sold the OHV, the Dealer Re-assignment Section of the title or Manufacturer's Certificate of Origin must be completed, or the dealer must give a notarized bill of sale to the purchaser. The TRB will allow an out-of-state dealer to complete this section in lieu of a bill of sale.

See the appendix for types of vehicles that dealers are authorized to sell.

Section E:

Enter the date the Application for Montana Title (Form MV1) is signed.

The applicant must sign their signature on the line next to the date and print their name on the line below the signature line.

If the applicant is a firm or corporation, enter the business name on the line to the left. An authorized agent must sign this section and print the name of the person signing the application. The name of the firm or corporation must be the same as listed in Section A of the MV1.

If someone is signing for the applicant with power-of-attorney, that person must write the applicant's name as well as signing his/her own name followed by a notation POA. An original or copy of the power-of-attorney form must accompany the application. If using form MV65, the original POA document is required.

If there are multiple owners, only one owner has to sign. If there is a security interest to file, the person signing the application must have also signed the contract or agreement.

If the title is to be issued in just the name of a lessor, a lessee cannot sign the MV1 unless the lessor has given them power-of-attorney.

Lien Perfection

Follow the procedures in the Motor Vehicle Security Interests or Liens section of this manual.

Montana Title Transfers

Follow the Montana title transfer procedures with the following exceptions:

A. Odometer disclosure requirements do not apply.

B. If an OHV is repossessed and the security interest or lien was perfected in Montana prior to Montana requiring an OHV to be titled, the secured party or lienholder will not have to apply for a repossession title. The secured party or lienholder may transfer ownership of the OHV with a notarized bill of sale, a Montana affidavit of repossession and a copy of the filing copy of the financing statement evidencing perfection of the lien. The filing date on the financing statement must be prior to January 1, 1990.

C. If an OHV is repossessed and the security interest or lien was perfected in a state that is not an OHV titling state (see the appendix for other states' requirements), and who may or may not register OHVs, the secured party or lienholder will not have to apply for a repossession title. The secured party or lienholder may transfer ownership of the OHV with a notarized bill of sale, a repossession affidavit from the state where the security interest or lien is perfected and

a copy of the filing copy of the financing statement evidencing perfection of the security interest or lien.

Motorized Non-standard Vehicle and Electric Personal Assistive Mobility Device

The definition of a Motorized Non-standard Vehicle is a vehicle upon which a person may be transported that:

- Is propelled by its own power.
- Has a wheelbase of less than 40" and a wheel diameter of less than 10"; and
- Does not display a certification in accordance with federal safety guidelines, or have a 17 digit VIN assigned by a manufacturer in accordance with federal guidelines.

A. If a vehicle meets all three the above listed criteria it is considered a "Motorized Non-Standard Vehicle" and will not be titled or registered.

B. If a vehicle does not meet one or more of the criteria listed above in the definition, it can be titled and registered:
- The manufacturer of the vehicle must be licensed in the state of Montana and the selling dealer must be licensed Montana dealer.
- The MCO is required.
- The information on the Certificate of Origin can be handwritten by the manufacturer but if an error appears on the MCO it is void and a corrected one will be required.

C. Electric Assistive Mobility Devices will not be titled or registered. See the appendix for definition.

D. If the vehicle fits the definition listed above and cannot be titled or registered the local jurisdiction (city, county, etc.) will determine if the vehicle can be driven on the streets.

E. If a vehicle currently titled in Montana fits the definition of a Motorized Non-standard Vehicle (some of these vehicle were titled before this law became effective), the Department will not title or register upon transfer to the new owner.

Replacement Titles

A. Only one signature is required when the title is in more than one name.

B. If a person's name has changed as a result of adoption, marriage, divorce, or other legal action and a replacement title is requested, it is not necessary to issue the title in the original name. A Statement of Fact (MV100) explaining the reason for the change and that he/she are one and the same would be submitted with the replacement application and the title fee to the TRB. (This does not pertain to vehicles titled in a business name-to change a business name the title must be transferred to the new name.) Once the corrected title is received, the owner will need to contact their county treasurer's office for corrected registration receipts.

- A name cannot be removed or added when applying for a replacement title.
- If the name change is not due to a legal action the replacement title must be issued in the same name(s) on the original title. The replacement title must then be submitted through the county treasurer's office for transfer and all fees paid.

C. A personal representative can apply for a replacement title although there is no need to do so as the vehicle can be transferred without the title. A Letter of Appointment must be submitted with the application for a replacement title (see Estates).

D. A guardian, trustee or conservator can apply for a replacement title. Documents appointing such officers must be submitted along with the application for replacement certificate of title.

E. During the application process for a replacement title, or application for a collateral loan or repossession, the person in control of the vehicle can use the Statement of Fact (Form MV100) to self-certify the odometer (document the mileage) at the time of application.

F. If a replacement title has been issued and the applicant states that they have not received it, a second replacement will generally not be issued within 30 days of the first mailing.

G. **WHEN A REPLACEMENT TITLE HAS BEEN ISSUED THE ORIGINAL TITLE IS VOID**. The original title must be submitted to this office or destroyed if located.

H. A collateral lien may be perfected at the time of applying for a replacement title by submitting a copy of the signed security agreement or lien document along with the application for replacement certificate of title the replacement title fee and the $8 filing fee.

I. The Application for Replacement Certificate of Title (Form MV7) must be completed and submitted with the fee.

J. The fee for a replacement title is $10.

Re-titling Salvage (and Rebuilt) Vehicles – Penalty

Vehicle Has Been Issued a Salvage Certificate [Rev. 7/24/13]

A. Prior to re-titling or registering a salvage vehicle, an inspection is required. See Requirements for VIN Inspection on Rebuilt Salvage Vehicles.

B. The inspecting officer may authorize the issuance of a 40-day TRP if there is a delay in having the vehicle inspected.

C. The title documents must be submitted through the vehicle owner's County Treasurer's office.

1. If a Salvage Certificate was issued prior to 10/1/11 and:

   a. The vehicle age is less than 5 years, a stage 3 inspection is required.

   b. The vehicle age is 5 years or greater, a stage 2 inspection is required.

2. If a Salvage Certificate was issued on or after 10/1/11 and:

   a. The vehicle age is less than 15 years, a stage 3 inspection is required.

   b. The vehicle age is 15 years or greater, a stage 2 inspection is required.

3. To determine the age of the vehicle/trailer, subtract the model year from the current calendar year.

   Note: Rebuilders are an exception; they do not have to submit the paperwork through the County Treasurer's office (unless filing a security interest or lien). They would present their paperwork to the driver exam station when making the inspection appointment and paying the inspection fee, and to the inspector at the time of inspection.

Out-of-State/Foreign Salvage Title or Certificate [Rev. 7/24/13]

A. If a licensed dealer requests a title only on an Out-of-State or Foreign Salvage Certificate/Title, the inspection is required. See Requirements for VIN Inspection on Rebuilt Salvage Vehicles.

1. If the dealer indicates that the inspection cannot be conducted because the vehicle has not been rebuilt and they are selling the vehicle as salvage, the dealer needs to use the re-assignments on the back of the Out-of-State Salvage Title or Certificate transferring to their buyer.

   a. If there are no re-assignments on the back of the Out-of-State Salvage Title or Certificate, the dealer will need to submit a damage report with the title or

certificate, application for salvage title (Form MV206), and $5. A Montana Salvage Certificate will be issued to the dealer.

2. If a rebuilder (not a licensed dealer) has an Out-of-State Salvage Title or Certificate and they are not going to rebuild the vehicle before selling it, they will need to submit a damage report, the Out-of-State Salvage Certificate or Title, Application for Salvage Certificate (Form MV206), and $5. They cannot use the re-assignments on the back of the Out-of-State Salvage Title or Certificate because they are not a licensed dealer.

B. To determine the age of the vehicle/trailer, subtract the model year from the current calendar year.

1. Vehicles newer than 15 years of age with a Salvage Certificate issued on or after 10/1/11:

Stage 3 salvage inspections will be required on vehicles 15 years old or older with a Salvage Certificate (Montana or Foreign/Out-of-State) issued on or after 10/1/11. The MVD Driver License Bureau will conduct these inspections. There is an $18.50 fee for the inspection. This fee must be paid prior to the inspection.

2. Vehicles 15 years old or older with a Salvage Certificate issued prior to 10/1/11:

Stage 2 salvage inspections will be required on vehicles 15 years old or older with a Salvage Certificate (Montana or Foreign/Out-of-State) issued prior to 10/1/11. A Montana Department of Justice employee or Montana Peace Officer must conduct these inspections. The appointment must be made at your local driver exam station and the $18.50 paid before the inspection is conducted, as stated above in section A.

C. The Application for Montana Title (Form MV1) is required with out-of-state salvage certificates/titles.

Requirements for VIN Inspection on Rebuilt Salvage Vehicles [Rev. 7/24/13]

Salvage vehicle owners are notified of the inspection requirement on the reverse side of all Montana Salvage Certificates. Bills of sale for component parts are fully explained in Form MV207, Supplemental Explanation of Component Parts and Bills of Sale. This form accompanies each Salvage Certificate issued by the MVD and should remain attached whenever a person transfers their interest in a salvage vehicle.

Note: If component parts of a salvage vehicle are sold separately, the salvage certificate or a certificate of ownership (title) follows the body or center structure of a passenger vehicle or the truck cab, which contains the public VIN. The remaining component parts may be sold by executing a bill of sale or receipt.

Documentation of other component parts, which may be in the form of:

a. Salvage certificate

b. Junk vehicle receipt

c. Certificates of title

d. Bills of sale and/or receipts establishing the source and ownership of the component parts used to rebuild the vehicle. The bills of sale or receipts must contain:

- the name and address of the seller
- the name and address of the buyer
- the value or other consideration

- the year, make, model, vehicle identification number or stock number allowing cross-reference to the vehicle identification number of the vehicle from which the parts were removed
- the vehicle's salvage certificate number or the certificate of ownership number, if known

Excluded from the Salvage requirements (including inspections) are boats, snowmobiles, and off-highway vehicles.

Once an ATV is made street legal and licensed, it falls under MCA Title 61 and the salvage requirements must be followed.

A. Rebuilt salvage vehicles will be inspected through the Motor Vehicle Division's Driver License Bureau (DLB). The DLB is divided into four regions across the state.

Appointments for inspections must be through the salvage vehicle owner/rebuilder's local driver exam station. When making the appointment, the vehicle owner/rebuilder must present the original or copy of the Salvage Certificate **or** correspondence letter from the MVD requesting the type inspection.

If an applicant makes an appointment to have a rebuilt vehicle inspected and fails to give 24-hour notice of cancellation or fails to appear at the appointed time, the applicant must reschedule the appointment and again pay the inspection fee.

Inspection applicants can be issued a temporary registration permit to drive the vehicle to and from the inspection site. The permit contains a detachable payment receipt for the applicant's records and will be issued by the driver exam station responsible for scheduling the inspection.

B. The following classes of rebuilt salvage vehicles must be presented to the Department of Justice for inspection prior to registration and titling:

Vehicles less than 5 years of age with a Salvage Certificate issued before 10/1/11 and less than 15 years of age issued after 10/1/2011:

Stage 3 salvage inspections will be required on vehicles with a Salvage Certificate (Montana or Foreign/Out-of-State). The MVD Driver License Bureau will conduct these inspections. There is an $18.50 fee for the inspection. **This fee must be paid prior to the inspection**. A list of inspectors can be found on the MVD website.

When presenting the vehicle for the Stage 3 inspection the customer will be required to provide:

- Proof to the inspector that the $18.50 was paid. The inspector must enter on the inspection form the check number and indicate the inspection fee was paid.
- Either the Salvage Certificate, copy of Salvage Certificate, **or** correspondence letter from the MVD requesting the inspection.
- Bills of sale or purchase receipts proving legal acquisition of all component parts used in the rebuilding process.

Once the inspection is conducted and the inspector has completed the certification section on the MV208 inspection form, he/she will give the applicant his/her copy of the inspection and send the original inspection with copies of the bills of sale and receipts for the component parts into the TRB.

The applicant/owner will need to take his/her copy of the inspection and paperwork **or** correspondence letter from the MVD (if the MVD is holding paperwork) to his/her County Treasurer's office to complete the registration process and obtain license plates.

The Montana title issued will be branded Rebuilt Salvage as required by law.

Vehicles 5 years old or older with a Salvage Certificate issued before 10/1/2011 and 15 years or older issued after 10/1/2011:

Stage 2 salvage inspections will be required on vehicles with a Salvage Certificate (Montana or Foreign/Out-of-State). A Montana Department of Justice employee or Montana Peace Officer must conduct these inspections. **The appointment must be made at your local driver exam station and the $18.50 paid before the inspection is conducted as stated above in section A.**

When presenting the vehicle for inspection, the customer will be required to provide:

- Proof to the inspector that the $18.50 was paid. The officer/examiner will need to enter on the inspection the check number and indicate the inspection fee was paid.
- Either the Salvage Certificate, copy of the Salvage Certificate, **or** correspondence letter from the MVD requesting the inspection.
- Bills of sale or purchase receipts proving legal acquisition of all component parts used in the rebuilding process.

If the officer/examiner finds one of the identifiers missing or has reason to believe the vehicle needs a more thorough inspection, he/she will refer the applicant to the Motor Vehicle Division inspector. The fee does not have to be paid again.

Once the inspection is conducted, the officer/examiner will give the applicant the inspection and the applicant will need to take the inspection and paperwork **or** correspondence letter from the MVD (if the MVD is holding the paperwork) to his/her County Treasurer's office to complete the registration process and obtain license plates.

Montana titles issued will be branded Rebuilt Salvage as required by law.

Vehicles Reconstructed Changing Cab/Frames

A Stage 2 inspection is required on vehicles that have been reconstructed changing the cab/frame. The inspection fee is not required. A Montana Department of Justice employee or Montana Peace Officer must conduct these inspections.

When presenting the vehicle for the inspection, the customer needs to present the title for the cab and either the title or bill of sale for the frame (or bills of sale if the titles are not available).

> **Note:** If the body or truck cab used in the reconstruction comes from a vehicle issued a salvage certificate, the Stage 3 salvage inspection must be conducted and the customer must pay $18.50.

Montana issues titles using the vehicle description of the cab/body of a vehicle because it is more accessible to law enforcement. The frame vehicle identification number is needed so it can be referenced in the other pertinent data field on the title.

Once the inspection is conducted, the officer/examiner will give the inspection to the applicant. The applicant will need to take the inspection and paperwork or letter from the MVD (if the MVD is holding paperwork) to his/her County Treasurer's office to complete the registration process and obtain license plates.

The registration and title need to be processed using the vehicle description of the cab/body of the vehicle.

Vehicles with Foreign/Out-of-State titles branded with clauses referring to previous damage/previous salvage/damage disclosure, etc.

Montana will carry that brand forward on the Montana title and inspections will **not** be required.

Vehicles that are owner-retained salvage older than 5 years of age will not require inspections.

Inspection descriptions:

- **Stage 1 Inspections** are carried out by local law enforcement or driver exam station personnel. Documented on the inspection certificate (Form MV20) (NO FEE), conducted verifying the public VIN.
- **Stage 2 Inspections** are carried out by a Montana Department of Justice employee or Montana Peace Officer, **documented on the inspection certificate (Form MV20) ($18.50 fee required)**. Conducted by verification of the public identification number and the federal safety standards label. Local law enforcement can conduct the Stage 2 inspection; however, the applicant must pay the $18.50 to the MVD. A title will not be issued until the fee is paid. If one of the identifiers is missing or the officer/examiner has reason to believe the vehicle needs a more thorough inspection, he/she will refer the applicant to the Motor Vehicle Division inspector. The fee would not have to be paid again. The TRB will accept the inspection completed by the officer.
- **Stage 3 Inspections** are carried out by the driver exam station regional manager or CVOL examiners only. An appointment must be scheduled with the applicant's local driver exam station. A list of inspectors can be found on the MVD website. **It must be documented on form MV208 ($18.50 fee required).** Conducted by verification of as many sources of identification as possible at the discretion of the inspector. If the vehicle was manufactured with frame and chassis numbers, these numbers must be verified. The full frame number needs to be entered onto the inspection form. The inspector will indicate on the MV208 in the comments section that the fee was paid and the check number. A title will not be issued until the fee is paid.

Vehicle Has NOT Been Issued a Salvage Certificate

A. Rebuilt from several vehicles:

1. There are many different reasons and ways that vehicles are rebuilt, and it is very difficult for an applicant to know what will be necessary to title a rebuilt vehicle. Therefore, the Title and Registration Bureau asks that the following documents be submitted to the TRB:

   a. Titles for each vehicle or component part containing a VIN that was used in the rebuilding process. The applicant must be the registered owner or the title must be properly assigned to him/her.

      - If a title is not available, submit an explanation as to why; a bonded title may be required.
      - If the applicant wishes to retain any of the titles, he/she must also submit an explanation as to why.

   b. A letter explaining what was done to rebuild the vehicle and from where the component parts were obtained.

   c. A Statement of Correction (Form MV11AB) if the completed vehicle differs in any way from the title for the body.

2. If any additional documents or procedures are needed, the applicant will be so advised.

3. After all the required paperwork has been received and approved; a Stage 2 inspection will be required however the $18.50 will not be charged unless there is a salvage document involved. See Requirements for VIN Inspection on Rebuilt Salvage Vehicles

   A. Once the vehicle passes inspection, the inspecting officer will, except for bills of sale and/or receipts and the original MV208, give the documents to the applicant to take to the applicant's county treasurer's office so the vehicle can be registered. If a person desires not to register the vehicle, all documents and a title fee can be submitted directly to the TRB.

Note: The year of a vehicle rebuilt from several vehicles will be the year of the body for a passenger or truck-type vehicle, and the year of the frame for a motorcycle.)

B. Tractor Truck rebuilt with a glider kit:

Documents required are the MCO for the Kit, the Application for Montana Title (Form MV1) and bill of sale or receipt for the engine if purchased separately, or a statement if the engine was removed from the old vehicle.

It will be titled as a new vehicle and no inspection is required.

Vehicle Has Been Wrecked [Rev. 7/24/13]

A. The foreign title was surrendered out-of-state and no document was issued to replace it:

1. The following documents are required:

   a. Obtain a copy of the canceled title and a letter of verification from the other state's Department of Motor Vehicles (DMV) showing the name of the last registered owner, the name of the person or company to whom the owner assigned the title, and verifying that the title was surrendered. Request a copy of the canceled title from DMV records.

      Exception:

      - **If the title was surrendered to Washington,** the TRB will accept a copy of the Wrecking Report and a copy of the title from the wrecking yard, or the TRB will accept the bill of sale from the auction (showing the complete vehicle description, date of sale, seller name, address, and signature, verifying the Certificate of Title was forwarded to the Department of Licensing in accordance with RCW 46-12-070 and the buyer name, address, and signature) along with any of the following documents.

        a. A copy of the Total Loss Claim Settlement Report Form surrendered to the Washington DMV.

        b. A Certificate of Fact verifying the title for the vehicle has been forwarded to the Washington DMV.

        c. A copy of the Affidavit in Lieu of Title stamped as wrecker Destroyed.

        It is not necessary to contact the DMV.

      - **A California dismantler** may have been issued a salvage certificate and later reported the vehicle as junk. The salvage certificate must be surrendered to the state. The dismantler can then sell the junk vehicle using a bill of sale upon which is entered an acquisition (ACQ) number. This is acceptable for transfer.

      - **A "Dismantlers" bill of sale** can be used to issue a Montana title. The bill of sale will indicate somewhere on the form that it is a "Dismantlers" bill of sale.

   b. A release from the registered owner to whoever acquired the vehicle after it was wrecked (insurance company, salvage yard, private party, etc.).

   c. Notarized bills of sale or receipts from each subsequent owner. The last bill-of-sale or receipt would be to the person applying for the title.

   d. An Application for a Montana Title (Form MV1).

2. If any additional documents or procedures are needed, the applicant will be advised.

3. After all the paperwork has been received and approved, an inspection will be required.

See Requirements for VIN Inspection on Rebuilt Salvage Vehicles.

B. Montana Title Was Surrendered as Junked and No Salvage Certificate was Issued:

1. If the title was surrendered as junked by a licensed wrecking facility, that wrecking facility will need to contact the TRB requesting a Junk Vehicle Certificate to transfer to their buyer.

2. If the title did not accompany the quarterly transmittal, a Junk Vehicle Certificate cannot be issued. The wrecking facility will dispose of the vehicle on a bill of sale that is marked junked or, if sold for parts only, the bill of sale needs to indicate "parts only." The applicant must go through the bonded title procedure and the title issued will be branded "Rebuilt title."

3. If the vehicle was listed on the quarterly report and junked by a licensed wrecking facility in error, a Statement of Error from that facility is required. The owner of record must apply for a replacement title. With that application must be a Statement of Inspection (Form MV20) documenting a Stage 2 inspection and a letter from the owner of record that the vehicle was junked in error. The TRB will reinstate the title.

   a. If the owner of record cannot be located, the applicant must go through the bonded title procedure.

4. A Montana vehicle record will be marked as junked if the owner of record writes "junked" across the face of the title and submits the title to the TRB.

C. Vehicle Has Been Issued a Junk Vehicle Certificate:

1. Montana Junk Vehicle Certificates are issued to licensed wrecking facilities upon request for vehicles that can be rebuilt. The Junk Vehicle Certificate can be used to transfer ownership and re-title the vehicle.

   a. The seller (licensed wrecking facility) must complete the Assignment Section.

   b. The purchaser must acknowledge the odometer reading in the Assignment Section and complete the Title Application Section.

   c. A Stage 2 inspection will be required. Requirements for VIN Inspection on Rebuilt Salvage Vehicles.

   d. The Junk Vehicle Certificate must be submitted through the County Treasurer's office in the county the purchaser resides to apply for title and registration. The county will enter the Junk Vehicle Certificate, creating a new vehicle file.

2. Out-of-State Junk Vehicle Certificate/Title:

   a. Junk Vehicle Certificates must be accompanied by bills of sale documenting the chain of ownership and submitted with an Application for Montana Title (Form MV1).

   b. A Stage 2 inspection will be required. Requirements for VIN Inspection on Rebuilt Salvage Vehicles.

Salvage Vehicles - Definitions

A. "Cab" means the passenger compartment of a common truck or pickup truck. It is a unit of construction that includes the top or roof and the cowl and may or may not include glass, instrumentation, the steering column, and a seat or seats.

B. "Center structure" includes the section of either a unibody or frame-type passenger vehicle that consists of a unit of sheet metal that extends from the firewall to the back of the rear seat or the centerline of the rear wheels. The structure may comprise the roof, side and rear window posts, cowl panel, dash panel, floor pans, doors, and rocker panels if two or more of these parts are assembled together as one unit.

C. "Component part" means the front-end assembly, center structure, or tail section of an automobile, the cab of a truck, the bed of a 1-ton or lighter truck, the frame of a vehicle, or any part of a vehicle that contains a vehicle identification number or a derivative of a vehicle identification number.

D. "Driver License Bureau (DLB)" is a bureau within the Motor Vehicle Division including the regional driver exam stations and the Investigation and Enforcement Unit.

E. "Frame" means the structure that supports the automobile body and other external component parts.

F. "Front-end assembly" includes the hood, right front and left front fenders, grill, bumper, and radiator supports if two or more of these parts are assembled together as one unit forward of the firewall.

G. "Junk vehicle" means a discarded, ruined, wrecked, or dismantled motor vehicle, including component parts, which is not lawfully and validly licensed and remains inoperative or incapable of being driven [MCA 75-10-501(4)]. A junk vehicle certificate is issued to a wrecking facility upon surrender of the appropriate document.

H. "Rebuilt vehicle" is a vehicle that has been reconstructed using component parts from two or more vehicles.

I. "Salvage vehicle" means a vehicle damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the owner, an insurance company, or other person acting on behalf of the owner determines that the cost of parts and labor makes it uneconomical to repair the vehicle.

J. "Salvage vehicle purchaser" means a person, other than an insurance company, who purchases or otherwise obtains possession of a salvage vehicle.

K. "Tail section" includes the floor pan, right rear and left rear quarter panels, deck lid, upper rear and lower rear panels, and rear bumper if two or more of these parts are assembled together as one unit.

L. "Vehicle identification number" means the number, letters, or combination of numbers and letters assigned by the manufacturer, by the Department, or in accordance with the laws of another state or country for the purpose of identifying the vehicle or a component part of the vehicle.

M. "Stage 1 Inspection" means inspection of public VIN

N. "Stage 2 Inspection" is conducted by verification of the public identification number and the federal safety standards label.

O. "Stage 3 Inspection" means a complete inspection of the vehicle to include verification of as many sources of identification as possible at the discretion of the inspector. This level of inspection may only be conducted by Regional Managers and Commercial Vehicle Operator License (CVOL) Examiners.

Surrender of Certificate of Title – Issuance of Salvage Certificate – Salvage Re-titling Requirements

Owner Keeps

A. If an insurance company determines that a salvage vehicle will remain with the owner after an agreed settlement, the insurance company shall notify the Title and Registration Bureau (TRB) of the settlement on a Notice of Total Loss Payoff (Form MV205).

B. If the vehicle is newer than five years old, the TRB will notify the owner that they must surrender their title and apply for a salvage certificate. If the vehicle is five years or older the owner will not be required to surrender the title.

- To determine the year of the vehicle subtract the model year from the current calendar year.

Surrender of Title by Insurer

A. An insurance company acquiring a vehicle that is newer than five years old that is determined to be a salvage vehicle shall surrender the title to the Title and Registration Bureau (TRB) within 15 days after acquiring the title. (The age of a vehicle is determined by subtracting the model year of the vehicle from the current calendar year.) If a lien is shown on the face of the title, the insurance company shall submit a lien release from the lienholder with the title. At the time of surrendering the title, the insurance company shall apply directly to the TRB for a Salvage Certificate on Form MV206. The TRB shall issue a Salvage Certificate at that time which can be used to transfer ownership of the vehicle. There shall be only one assignment of a salvage certificate. The salvage buyer must apply for a new salvage certificate or rebuild the vehicle and apply for a Certificate of Ownership.

Note: An insurance company cannot transfer their interest on an out-of-state title for a salvage vehicle newer than fifteen years old. They must obtain a salvage certificate in their name in order to transfer interest.

B. An insurance company may not sell a salvage vehicle without first acquiring the title and appropriate lien release(s). If the insurance company sells the salvage vehicle within 15 days after acquisition of the documents but prior to surrendering them to the TRB, the insurance company shall issue a Salvage Certificate to the salvage vehicle purchaser. This salvage certificate is proof of purchase and can then be used by the salvage vehicle purchaser to apply for a Salvage Certificate (title).

C. If an insurance company sells a salvage vehicle after the 15th day of acquiring the certificate of ownership, the insurance company must apply for a salvage certificate and may not issue a salvage certificate to the salvage buyer.

D. A salvage vehicle disposed of by an insurer prior to January 1, 1992 is not subject to these requirements.

E. The same requirements apply to self-insured vehicle owners.

Surrender of Title by Wrecking Facility

As provided in MCA 75-10-513 and MCA 61-3225, a licensed wrecking facility must provide a list of all junk vehicles acquired by it during the previous quarter. The titles, if available, must be submitted with the list to be canceled. If requested, a Montana Junk Vehicle Certificate will be issued for vehicles that can be rebuilt. The Junk Vehicle Certificate can be used to transfer ownership and re-title the vehicle. The receipt has a title application section that provides an inspection certification.

A. Montana Title Was Surrendered as "Junked" and No Junk Certificate Was Issued:

1. If the title was surrendered as “junked” by a licensed wrecking facility, that wrecking facility will need to contact the TRB requesting a Junk Vehicle Certificate to transfer to their buyer.

2. If the vehicle was listed on the quarterly report as “Junked” by a licensed wrecking facility in error, a statement of error from that facility is required. The owner of record must apply for a replacement title. With that application must be a Statement of Inspection (Form MV20) documenting a Stage 2 Inspection and a letter from the owner of record that the vehicle was junked in error. The TRB will reinstate the title.

3. If the owner of record cannot be located, the applicant must go through the bonded

title procedure.

B. Vehicle Has Been Issued a Junk Vehicle Certificate:

1. A Montana Junk Vehicle Certificate is issued to licensed wrecking facilities upon request for vehicles that can be rebuilt. The Junk Vehicle Certificate can be used to transfer ownership and re-title the vehicle. The certificate has a title application section that provides an inspection certification.

   a. The seller (licensed wrecking facility) must complete the Assignment Section.

   b. The purchaser must acknowledge the odometer reading in the Assignment Section and complete the Title Application Section.

   c. A Stage 2 Inspection must be conducted and inspection verification done on the bottom of the Junk Vehicle Certificate by local law enforcement or Field Operations Bureau personnel.

   d. The Junk Vehicle Certificate must be submitted through the county treasurer's office in the county the purchaser resides to apply for title and registration. The county will enter the Junk Vehicle Certificate creating a new vehicle file.

Specially Constructed Vehicle

Definition, see the Glossary appendix.

These vehicles will be registered and titled through the county treasurer's office.

If there is not a Certificate of Origin or valid title for the body/cab of the motor vehicle or frame of a motorcycle used in constructing the vehicle, the title must be acquired through the bonded title procedure See Bonded Titles.

A. The following documents are required:

- The Certificate of Origin or valid title for vehicle of the body/cab of the vehicle or the frame of the motorcycle used in the construction, or
- Application for Break/Bond Title (Form MV10) if the Certificate of Origin or title is not available.
- Application for Montana title if the Certificate of Origin or title is available (Form MV1).
- Stage 2 inspections conducted by local law enforcement or driver exam station examiners, documented on Form MV20.

  Note: A state assigned VIN will be required if the Certificate of Origin is not available or the inspector cannot locate a VIN (Form MV10B).

- If the vehicle is a motorcycle the inspection must be documented on Form MV70.

  Note: If the frame comes from a donor vehicle, the VIN from the donor vehicle will be used if the inspector is able to locate the original VIN on the frame.

- Bills of sale or invoices for the component parts used in the construction.
- Bill of sale for the engine used in the motorcycle.
- Statement verifying the major component parts used in the construction.
- The county may require a Fact Sheet verifying the type of vehicle (Form MV121).

B. The vehicle will be registered and titled as the year the application for title is made.

C. The vehicle will be registered and titled with the make "ASVE" (assembled vehicle).

D. The Montana title issued will be branded showing "SPEC CNST." This brand should also appear on the registration receipt.

Street Rod

Definition, see the Glossary appendix.

These vehicles will be registered and titled through the county treasurer's office.

A. The following documents are required:

- The Certificate of Origin or title. If neither of these documents is available the title must be acquired through the bonded title procedure. See Bonded Titles.
- A Stage 1 inspection is required. If the vehicle is a salvage vehicle then a Stage 2 inspection is required.

  Note: A state-assigned VIN will be required if the Certificate of Origin is not available or the inspector cannot locate a VIN (Form MV10B).
- An application for Montana title (Form MV1).
- The county may require a fact sheet verifying the type of vehicle (Form MV121).

B Street Rod vehicles can be registered under Vintage/Pioneer statutes or regular registration statutes, and are allowed to display one plate after certifying to the Department that the vehicle is not used for general transportation purposes (see the Glossary appendix for definition) and paying a fee.

C. The vehicle will be registered and titled using the year and make the vehicle resembles.

D. The Montana title and registration receipt will show "Street Rod."

E. Street Rod Vehicle does not include motorcycles.

Snowmobiles – Definitions (MCA 23-2-601)

A. "Certificate of title" means the document issued by the Department of Justice as prima facie evidence of ownership.

B. "Certificate of registration" means the owner's receipt evidencing payment of fees due in order for the snowmobile to be validly registered.

C. "DBA" means sound pressure level measured on the "A" weight scale in decibels.

D. "Department" means the Department of Fish, Wildlife, and Parks of the State of Montana.

E. "New snowmobile" means any snowmobile that has not been previously sold to an owner.

F. "Operator" includes every person who operates or is in actual physical control of the operation of a snowmobile.

G. "Owner" includes each person, other than a lien holder or person having a security interest in a snowmobile, which holds a certificate of title to a snowmobile and is entitled to the use or possession of the snowmobile.

H. "Person" includes an individual, partnership, association, corporation, and any other body or group of persons, regardless of the degree of formal organization.

I. "Registration decal" means an adhesive sticker produced and issued by the Department of justice, its authorized agent, or a county treasurer to the owner of the snowmobile as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the Department of Justice under MCA 61-3-101.

I. "Roadway" includes only those portions of any highway, road, or street improved, designed, or ordinarily used for travel or parking of motor vehicles.

J. "Snowmobile" includes any self-propelled vehicle of an overall width of 48 inches or less, excluding accessories, designed primarily for travel on snow or ice, which may be steered by skis or runners and that is not otherwise registered or licensed under the laws of the state of Montana.

For Replacement title information see Replacement Titles.

Certificate of Title - Snowmobile

Machines that must be titled as snowmobiles: All machines as defined in MCA 23-2-601 that are operated on public lands.

> **Note:** It is mandatory that any snowmobile purchased after April 16, 1993 must be titled. This includes snowmobiles operated only on private lands.

Machines that will **not** be titled as snowmobiles:

A. Machines that are wider than 48 inches and/or are not steered by skis or runners. Large snowcats that are operated on tracks with no skis or runners are titled and registered as off-highway vehicles.

B. Snowmobiles owned by the United States, MCA 23-2-614.

C. A snowmobile built or used exclusively for racing in sanctioned competitive events or organized races.

D. Unregistered snowmobiles owned by non-residents who either [MCA 23-2-614]:

Display visual proof that a nonresident temporary-use permit has been purchased; or use the snowmobile only in races and not more than 30 days in the state. "Race" means an organized competition on a predetermined course that is run according to accepted rules.

Documents Accepted as Evidence of Ownership to Apply for an Original Montana Title

A. Out-of-state title; or registration from a non-titling state. See the appendix for a list of titling states.

B. Manufacturer's Certificate of Origin (MCO)

C. If the ownership document (listed above) is not available the applicant will need to obtain title by following the instructions listed below:

If a Montana resident acquires a snowmobile and the previous owner cannot be located to complete a proper transfer, the person must apply for title by completing the Application for Break/Bond Title (Form MV10) as instructed on the reverse side of the form and following the instructions in the section regarding Defective Title or Insufficient Evidence of Ownership.

D. If a lien is to be filed, the paperwork must be submitted through the county treasurer's office.

Form MV1, Application for a Certificate of Title - How to Complete

See Form MV1.

Section A.

The applicant name in this section must agree with the applicant's signature at the bottom of the application, and must also agree with the registration receipt that is issued.

The applicant's driver license and state where the driver license was issued, or identification number, FEIN, Tribal ID, Corp ID is required.

The title will be issued with the legal name of the person whose driver license it was issued to.

If the applicant's name has been written and is illegible, type the correct spelling in parenthesis next to the handwritten entry.

Montana titles cannot be issued with a title preceding the owner name. Example: DR, MR, MRS, REV.

Montana does not recognize the conjunction "or" on Montana titles as all signatures are required to transfer title.

Enter the mailing address of the applicant. Registration renewal notice cards and the title are mailed to this address.

The residential address is required.

If the vehicle is being leased, enter the LESSEE'S address as residential address. This address must be a Montana address. This should be a street or rural route address, must be of the same county as that in which the snowmobile is being registered and must agree with one of the addresses on the registration receipt.

The county-of-residence is the county in which the snowmobile is being registered.

Section B:

Manufacturer's Suggested Retail Price is not required.

The year is the year of manufacture. For new snowmobiles, this must agree with the year indicated on the Manufacturer's Certificate of Origin.

The make name is the make name listed on the MCO.

The model name is SN.

The body style is SN.

Enter the vehicle identification number (VIN) as it appears on the Manufacturer's Certificate of Origin or out-of-state title. Do not enter this information from a registration receipt unless the vehicle is from a non-title state (registration receipts may contain typographical errors).

Use common colors, not fancy names.

Fuel Type is NA.

Unladen Weight is NA.

Section C:

ALWAYS ASK THE APPLICANT FOR SECURITY INTEREST OR LIEN INFORMATION. If the snowmobile is being financed, enter the complete name, address and zip code for the secured party or lienholder. If this section is completed but the loan has been paid, have this section marked "PAID" with a full signature of the secured party or lienholder, obtain a Statement of Fact (Form MV100) explaining that there is no security interest or lien to file, or submit a new Application for Montana Title (Form MV1). If there is to be a new secured party or lienholder, submit a new MV1 with the original Form MV1.

If the applicant states that the snowmobile is clear of any security interest or liens, check the box indicating "No." If this section is left blank and that box is not checked, the application will be returned to be completed.

This application has room for two security interests/liens to be entered. If there is more than two security interests/liens to be perfected the security agreement or contract for the third and any additional security interests/liens must be submitted.

Section D:

If the snowmobile was acquired used, a title or registration from a non-title state must be submitted.

The dealer must complete this section if the snowmobile was acquired new and a Manufacturers Certificate of Origin must be submitted. If the snowmobile was acquired used, the Montana dealer must complete the re-assignment section on the foreign title. If there is not a re-assignment on the foreign title for the Montana dealer to complete, that dealer must submit the paperwork to the TRB dealer services section applying for a "Title Only." **See the Dealer Title Only section.**

If an out-of-state dealer sold the snowmobile, the Dealer Re-assignment Section of the title or Manufacturer's Certificate of Origin must be completed, or the dealer must give a notarized bill of sale to the purchaser. The TRB will allow an out-of-state dealer to complete this section in lieu of a bill of sale.

See the appendix for types of vehicles that dealers are authorized to sell.

Section E:

Enter the date the Form MV1 is signed.

The applicant must sign their signature on the line next to the date and print their name on the line below the signature line.

If the applicant is a firm or corporation, enter the business name on the line to the left. An authorized agent must sign this section and print the name of the person signing the application. The name of the firm/corporation must be the same as listed in Section A.

If someone is signing for the applicant with power-of-attorney, that person must write the applicant's name as well as signing his own name followed by a notation "POA." An original or copy of the power-of-attorney form must accompany the application. If using Form MV65, the original POA document is required.

If there are multiple owners, only one owner has to sign. If there is a security interest to file the person signing the application must has also signed the contract or agreement.

If the title is to be issued in just the name of a lessor, a lessee cannot sign the MV1 unless the lessor has given them power-of-attorney.

Lien Perfection

Follow lien procedures in the section for Motor Vehicle Liens.

Montana Title Transfers

Follow the Montana title transfer procedures in MCA 61-3-201 with the following exceptions:

A. Odometer disclosure requirements do not apply.

B. If a snowmobile is repossessed and the lien was perfected in a state that is not a snowmobile titling state, and who may or may not register snowmobiles, the lienholder will not have to apply for a repossession title. The lienholder may transfer ownership of the snowmobile with a notarized bill-of-sale, a repossession affidavit from the state where the lien is perfected and a copy of the filing copy of the financing statement evidencing perfection of the lien.

Surrender Notice on Montana-titled vehicles

A. When a vehicle that was originally titled in Montana is issued a title in another state, that state will submit either the original Montana title or a computer generated report notifying the Title and Registration Bureau (TRB) the Montana title was surrendered to that state.

B. If the Montana vehicle record is flagged as surrendered in error, the vehicle owner will need to contact the TRB to research the record. If the record was surrendered in error the TRB will re-activate the record. If the record was surrendered as a result of information received from an out-of-state Motor Vehicle Department, the owner will need to contact that state agency for verification a foreign title was not issued on the vehicle before the record can be re-activated.

Vehicle Identification Number (VIN)

VIN Assignments and Replacements (State-Assigned)

A. Trailer-type vehicles: The county treasurer will assign an identification number (on Form MV39T) if a trailer was completely homemade, or if a substantially altered manufactured trailer (make name is no longer legible) has lost the VIN through the restructuring process.

The year of the trailer will be the year the VIN is assigned. If the original VIN is still on the trailer, it will remain as the identification number. If the make of the manufactured home is visible the title will retain the original year and make name.

B. Other motor vehicles: In a case where the true identity of a vehicle can be established, the original VIN will be restored for the vehicle. A person must apply directly to the TRB for restoration of the original VIN.

If the true identity of a vehicle cannot be established, a VIN will be assigned to the vehicle.

C. All vehicles/trailers must be inspected prior to having a VIN assigned or replaced.

D. There is a fee of $5.00 for any VIN that is assigned or replaced.

VIN Composition

A. Since 1954, the American Automobile Manufacturers have used a VIN that describes the vehicle for purposes of identification. Beginning with the 1981 model year, the National Highway Traffic Safety Administration (NHTSA) required manufacturers selling over-the-road vehicles in the United States to produce the vehicles with a 17-digit VIN.

B. The VIN on Off-Highway Vehicles, snowmobiles, and vessels are not regulated by NHTSA, therefore they do not necessarily have to be 17 digits.

C. The alpha characters "I," "O," and "Q" are never used in composing a 17-digit VIN. Dashes, slashes and hyphens are not entered on the system as part of the VIN. Do not enter them on MV1s.

D. Many alpha characters can be mistaken for numeric characters such as a "B" for an "8", an "S" for a "5", and "I" for a "1", and the letter "O" for a zero.

E. Double Wide Manufactured Dwellings: There may be two MCOs. If the identification numbers are the same and have a suffix of A & B, only one title will be issued.

Vessels – Definitions (MCA 23-2-502)

A. "Certificate of number" means the certificate issued by the county treasurer to the owner of a motorboat or by the Department of Justice to dealers or manufacturers, assigning the motorboat an identifying number and containing other information as required by the Department of Justice.

B. "Certificate of title" means a certificate issued by the Department of Justice identifying the owner of a motorboat or sailboat 12-feet in length or longer.

C. "Dealer" means any person who engages in whole or in part in the business of selling new personal watercraft or buying, selling, or exchanging new and unused vessels or used vessels, or both, either outright or unconditional sale, bailment, lease, chattel mortgage, or otherwise,

and who has an established place of business for sale, trade, and display of vessels. A yacht broker is a dealer.

D. "Department" means the Department of Fish, Wildlife, and Parks of the State of Montana.

E. "Documented vessel" means a vessel which has and is required to have a valid marine document as a vessel of the United States.

F. "Identifying number" means the boat number set forth in the certificate of number and properly displayed on the motorboat.

G. "Lienholder" means a person holding a security interest.

H. "Manufacturer" means any person engaged in the business of manufacturing or importing new and unused vessels or new and unused outboard motors for the purpose of sale or trade.

I. "Motorboat" means a vessel, including a personal watercraft or pontoon, propelled by any machinery, motor, or engine of any description, whether or not the machinery, motor, or engine is the principal source of propulsion. The term includes boats temporarily equipped with detachable motors or engines but does not include a vessel which has a valid marine document issued by the U.S. Coast Guard or any successor federal agency.

J. "Operate" means to navigate or otherwise use a motorboat or a vessel.

K. "Operator" means the person who navigates, drives, or is otherwise in immediate control of a motorboat or vessel.

L. "Owner" means a person, other than a lienholder, having the property in or title to a motorboat or vessel. The term includes a person entitled to the use or possession of a motorboat or vessel subject to an interest in another person, reserved or created by an agreement securing payment or performance of an obligation, but the term excludes a lessee under a lease not intended as security.

M. "Passenger" means every person carried on board a vessel other than:

1) The owner or his/her representative;

2) The operator;

3) Bona fide members of the crew engaged in the business of the vessel who have contributed to consideration for their carriage and who paid for their services; or

4) Any guest on board a vessel that is being used exclusively for pleasure purposes who has not contributed any consideration, directly or indirectly, for his/her carriage.

N. "Person" means an individual, partnership, firm, corporation, association, or other entity.

O. "Personal watercraft" means a vessel that uses an outboard motor or an inboard engine powering a water jet pump as its primary source of propulsion and that is designed to be operated by a person sitting, standing, or kneeling on the vessel rather than by the conventional method of sitting or standing in the vessel.

P. “Registration decal” means an adhesive sticker produced by the Department of Justice and issued by the Department of Justice, its authorized agent, or a county treasurer to the owner of the motorboat, sailboat, or personal watercraft as proof of payment of all fees imposed on the motorboat, sailboat, or personal watercraft for the registration period indicated on the sticker as recorded by the Department of Justice under MCA 61-3-101.

Q. “Sailboat” means a vessel that uses a sail and wind as its primary source of propulsion. It does not include a canoe or kayak propelled by wind.

R. "Security interest" means an interest that is reserved or created by an agreement that secures payment or performance of an obligation and is generally valid against third parties.

S. "Uniform state waterway marking system" means one of two categories:

i. A system of aids to navigation to supplement the federal system of marking in state waters;

ii. A system or regulatory markers to warn a vessel operator of dangers or to provide general information and directions.

T. "Vessel" means every description of watercraft, unless otherwise defined by the Department, other than a seaplane on the water, used or capable of being used as a means of transportation on water.

U. "Waters of this state" means any waters within the territorial limits of Montana.

For Replacement title information see Replacement Titles.

Certificate of Vessel Title

Vessels That Must be Titled:

A. All sailboats and windsurfers 12-feet in length or longer.

B. All motorized vessels:

1. Includes canoes, sailboats, Float tubes/pontoons under 12 feet in length or **any** other vessels that are **occasionally** powered by a motor. See definition for motorboat or vessel listed above.

2. Includes personal watercraft (jet skis):

- Must be a licensed boat dealer to sell new personal watercraft.

C. Amphibious vehicles (used on both land and water):

1. Amphibious vehicles must display both a boat number and an OHV decal.

2. If the vehicle is not going to be operated on the water advise the county office at the time of registration and they will register as and OHV-only.

Vessels that will not be titled:

A. Sailboats and windsurfers under 12-feet in length, canoes, rafts, tubes or any other vessels that are **never** powered by a motor.

B. Documented vessels are not required to be titled or registered to operate on Montana waters. The owner must carry the Certificate of Documentation on board the vessel.

- If the owner decides to obtain a title the Certificate of Documentation must be submitted with the title application.

C. New Vessels that do not have a Hull Identification Number on the vessel or on the Certificate of Origin until a state assigned hull identification number is issued and affixed to the vessel.

Vessels that must be registered:

A. A motorboat on the waters of this state, propelled by a motor or an engine of any description must be registered.

B. Sailboats 12-feet in length or longer, personal watercraft or a motorized pontoon or float tube shall be registered.

Accepted as Evidence of Ownership to Apply for an Original Montana Title

A. Out-of-state title; or registration from a non-titling state. See the appendix for a list of other states' titling requirements. Or, refer to the NADA Title Manual or other resource.

B. Manufacturer's Certificate of Origin:

1. If the new vessel, , is ordered from a catalog or purchased from a retail business, the TRB will accept the invoice in the applicant name along with the Certificate of Origin if the Certificate of Origin is not signed off. If the manufacturer does not provide Certificate of Origins, the TRB will require a statement to that effect from the manufacturer and the applicant will need to obtain title using the procedure for a Defective Title or Insufficient Evidence of Ownership (see link below in "D").

C. If a Montana resident acquires a vessel or personal watercraft, he/she can transfer their interest in a new or used vessel or a used personal watercraft with a bill of sale. The bill of sale must accompany the Certificate of Origin or Foreign/Out-of-State title. A Montana resident must title the vessel in his/her name first prior to selling the vessel; a bill of sale is not acceptable.

D. If the ownership document (listed above) is not available, the applicant will need to obtain a title by following the instructions listed below: Defective Title or Insufficient Evidence of Ownership.

If a Montana resident acquires a vessel and the previous owner cannot be located to complete a proper transfer, the person must apply for title by completing the Application for Break/Bond Title (Form MV10) as instructed on the reverse side of the form and following the procedure in Defective Title or Insufficient Evidence of Ownership.

E. If a lien is to be filed, the paperwork must be submitted through the county treasurer's office.

Form MV1A, Application for a Certificate of Title for a Vessel - How to Complete

See Form MV1A.

Section A.

The applicant name in this section must agree with the applicant's signature at the bottom of the application, and must also agree with the registration receipt that is issued.

The applicant's driver license and state where the driver license was issued, or identification number, FEIN, Tribal ID or CORP ID is required.

The title will be issued with the legal name of the person whose driver license it was issued to.

If the applicant's name has been written and is illegible, type the correct spelling in parenthesis next to the handwritten entry.

Montana titles cannot be issued with a title preceding the owner name. Example: DR, MR, MRS, REV.

Montana does not recognize the conjunction "or" on Montana titles as all signatures are required to transfer title.

Enter the mailing address of the applicant. Registration renewal notice cards and the title are mailed to this address.

The residential address is required.

If the vessel is being leased, enter the LESSEE'S address as residential address. This address must be a Montana address. This should be a street or rural route address, must be of the same county as that in which the snowmobile is being registered and must agree with one of the addresses on the registration receipt.

The county-of-residence is the county in which the snowmobile is being registered.

Section B:

Enter the year the vessel was manufactured or constructed. A year must be entered. If the applicant is not sure of the year, they will need to estimate the best they can as to the age of the vessel.

The make name is the manufactured or make name listed on the Certificate of Origin. If the make name is not known enter "unknown." If constructed by someone other than a manufacturer enter "homemade".

The model name is BT.

Use common colors, not fancy names.

MT#: is the number assigned by the automated system. This number must be painted or attached to each side of the bow of the vessel in block letters and numbers no less than three inches in height.

Hull ID#: enter the hull identification number (HIN) assigned by the manufacturer. This number is located on the rear transom of the vessel. Vessels manufactured before 1972 and homemade vessels many not have a HIN, unless one has been assigned by another state.

The first 3 characters of the HIN will identify the manufacturer. The last three characters will identify the month and year the vessel was manufactured.

If there is no HIN, a HIN will be assigned by the Department of Fish, Wildlife and Parks (FWP) for a fee of $5 and may be obtained from the local FWUP officer or the FWP in Helena. VESSELS MUST HAVE A HIN BEFORE APPLYING FOR REGISTRATION OR TITLE.

The HIN assigned by FWP consists of 12 characters beginning with "MTZ". The last three characters will indicate the month and year the HIN was assigned.

FWP will issue a HIN assignment form. This form must be submitted when applying for title and contains an inspection certificate verifying the HIN has been affixed to the vessel. This verification may be made by any law enforcement officer or Department of Justice employee.

Length: DO NOT ROUND THE LENGTH TO THE NEAREST FEET. Enter exact feet and inches, if known.

Use: enter the intended use of the vessel (pleasure, livery, manufacturer, dealer, commercial, etc.).

Propulsion: enter whether the motor is inboard, outboard, airboat, jet, sail or other. If the vessel is a sailboat under 12-feet in length, and occasionally powered by a motor, the propulsion will be "outboard."

Fuel type is gas, diesel, etc.

Vessel material: enter the name of the principal material used in construction of the vessel. If the vessel was constructed of wood with a fiberglass skin on the outside of the hull, the principal material is wood.

Vessel type: enter the type of vessel such as canoe, cabin cruiser, houseboat, hydroplane, runabout etc.

Motor #s: enter the motor identification number, the year of manufacture, the name of the manufacturer and horsepower.

Section C:

ALWAYS ASK THE APPLICANT FOR SECURITY INTEREST OR LIEN INFORMATION. If the vessel is being financed, enter the complete name, address and zip code for the secured party or lienholder. If this section is completed but the loan has been paid, have this section marked "PAID" with a full signature of the secured party or lienholder, obtain a Statement of Fact (Form MV100) explaining that there is no security interest or lien to file, or submit a

new Form MV1. If there is to be a new secured party or lienholder, submit a new MV1 with the original Form MV1.

If the applicant states that the vessel is clear of any security interest or liens, check the box indicating "No." If this section is left blank and that box is not checked, the application will be returned to have completed.

This application has room for two security interests/liens to be entered. If there is more than two security interests/liens to be perfected the security agreement or contract for the third and any additional security interests/liens must be submitted. The Secured Parties, driver license or identification number, FEIN, Tribal ID or CORP ID is required.

Section D:

If the vessel was acquired used, a title or registration from a non-title state must be submitted.

A dealer does not have to be licensed by the TRB to sell vessels. They do have to be licensed to sell **new** personal watercraft. The advantage of being licensed is to obtain dealer boat registrations and boat identification numbers to allow them to demonstrate their vessels.

Licensed boat dealers are assigned dealer license numbers and will be provided the Applications for a Certificate of Title for a Vessel (Form MV1A). They will be instructed to enter their dealer license number when completing the form.

See the appendix for types of vehicles that dealers are authorized to sell.

Section E:

Enter the date the Form MV1 is signed.

The applicant must sign their signature on the line next to the date and print their name on the line below the signature line.

If the applicant is a firm or corporation, enter the business name on the line to the left. An authorized agent must sign this section and print the name of the person signing the application. The name of the firm or corporation must be the same as listed in Section A.

If someone is signing for the applicant with power-of-attorney, that person must write the applicant's name as well as signing his own name followed by a notation "POA." An original or copy of the power-of-attorney form must accompany the application. If using the form MV65 (link), the original POA document is required.

If there are multiple owners, only one owner has to sign. If there is a security interest to file the person signing the application must has also signed the contract or agreement.

If the title is to be issued in just the name of a lessor, a lessee cannot sign the MV1 unless the lessor has given them power-of-attorney.

Lien Perfection

Follow the lien procedures in this manual.

Montana Title Transfers

Follow the Montana title transfer procedures in this manual with the following exceptions:

A. Odometer disclosure requirements do not apply.

B. If a vessel is repossessed and the lien was perfected in Montana prior to Montana requiring a vessel to be titled, the lienholder will not have to apply for a repossession title. The lienholder may transfer ownership of the vessel with a notarized bill of sale, a Montana affidavit of

repossession and a copy of the filing copy of the financing statement evidencing perfection of the lien. The filing date on the financing statement must be prior to July 1, 1988.

C. If a vessel is repossessed and the lien was perfected in a state which is not a vessel titling state, and who may or may not register vessels, the lienholder will not have to apply for a repossession title. The lienholder may transfer ownership of the vessel with a notarized bill- of-sale, a repossession affidavit from the state where the lien is perfected and a copy of the filing copy of the financing statement evidencing perfection of the lien.

Appendix A – Statutory Authority

Unless otherwise noted, requirements are authorized by Title 61 of the Montana Code Annotated.

Appendix B - State Requirements Summary

Note: This information is advisory only and may not reflect each state's current practices. Contact the individual state directly for up-to-date requirements.

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Alabama

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

	Yes	Affidavit of Correction	Yes	Power of Attorney
	Yes	Affidavit of Repossession	Yes	Right of Survivorship
	Yes	Affidavits, all other	Yes	Salvage bill of sale
	Yes	Bill of sale	No	Salvage certificate
	No	Dealer reassignment	Yes	Statements
	Yes	Inspection form	No	Title
*	Yes	Lien release	No	Manufacturer's Certificate of Origin

A lien release on the lienholders letterhead does not have to be notarized.

Seal Requirements: None

Signatures Required with Conjunction: "AND": All
"AND/OR": One
"OR": One

Effective Year of Title Law: 1973-vehicles older than 1974 are not titled but are required to be registered

Trailer Requirements:

Title: All 1975 and later trailers except special mobile equipment, boat trailers, pole trailers, travel trailers and mobile homes. 1990 and subsequent year models of travel trailers and mobile homes are titled.

Registration: All trailers used on the highways, except boat trailers and any trailer or semi-trailer used by a farmer for transporting farm products on his personal property for use on the farm.

ATV/OHV Requirements: No title or registration required

Moped Requirements: Title and registration required

Salvage: Salvage Certificate issued. New title issued when repaired will be branded “Rebuilt”

Snowmobile Requirements: No title or registration required

Vessel Requirements: Not titled, registration required for personal watercraft/Jet Skis (Dept of Conservation)

Alaska

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Manufacturer's Certificate of Origin
Yes	Power of Attorney
No	Title

Seal Requirements: Embosser **and** Ink Stamp

Signatures Required with Conjunction: "AND": All
"AND/OR": (NA)
"OR": One

Lessor/lessee: Will accept the signature of only the Lessor

Effective Year of Title Law: 1951 (Territorial titles)- 1959 State titles

Trailer Requirements:

Title: All trailers used on the highways-Mobile Homes are titled at option of owner (8/8/94)

Registration: Every trailer or semi-trailer driven or moved on the highways

ATV/OHV Requirements: No title or registration required-(some ATVs are registered as snowmobiles)

Moped Requirements: Title and registration required

Salvage: Salvage title not issued. New title issued when repaired will be branded "Reconstructed"

Snowmobile Requirements: Not titled. Registration is required unless operated on private property (1/1/04)

Vessel Requirements: Registration required on undocumented power boats and unpowered boats over 10 feet in length

Arizona

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes*	Manufacturer's Certificate of Origin
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	Yes	Salvage certificate
No	Dealer reassignment	Yes	Statements
No	Inspection form	Yes*	Title
Yes	Lien release	Yes	Power of Attorney

* Not required of seller' signature when vehicle is transferred to a licensed Arizona dealer, as dealers are bonded and notarization requirements are waived

- Arizona Motor Vehicle Department agent can witness a seller's signature on Arizona titles. No seal is necessary

Seal Requirements: Embosser **or** Ink Stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	All
"OR":	One

Lessor/lessee: Will accept the signature of only the Lessor

Effective Year of Title Law: 1925

Trailer Requirements:

Title: All trailers

Registration: All trailers, except those used in the operation of farms for transporting fiber or forage products, and mobile homes.

ATV/OHV Requirements: ATVs are titled-not registered

*OHVs are **not** titled or registered*

Moped Requirements: Not titled, registration required

Salvage: Salvage Certificate issued. Title issued when repaired will be branded "Restored Salvage"

Snowmobile Requirements: No title or registration required

Vessel Requirements: Not titled, registration required. Processed through Arizona Department of Game and Fish.

Arkansas

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Effective July 3, 1989 the State of Arkansas implemented statutory changes, which deleted notarization requirements for any documentation pertaining to vehicle transfers of ownership.

All existing Arkansas title documents will remain valid; however the spaces for notarization may be ignored when surrendered to another jurisdiction.

Seal Requirements: Embosser **and** Ink Stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	ALL
"OR":	One

Effective Year of Title Law: 1949

Trailer Requirements:

Title: All trailers, including mobile homes. To transfer ownership of a trailer with GVW of 3,000 pounds or less and no title is available, the purchaser needs a notarized bill of sale from the previous owner and a title will be issued.

Registration: All trailers used on the highways.

ATV/OHV Requirements: Title and registration required on 3 & 4 wheel ATVs. Title and registration is not required on other off highway vehicles such as off road motorcycles

Moped Requirements: 50 cc's or less with automatic transmissions are exempt from title & registration. All others must be titled and registered.

Salvage: No salvage certificate issued-Title reflecting brand "Damage" indicates salvage vehicle which requires an inspection to retitle-new title will reflect "previous damage" indicating it has been rebuilt.

Snowmobile Requirements: No title or registration requirements

Vessel Requirements: Not titled, registration required

California

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Notarization is not required for any document from California This includes MCO/MSO and California titles.

Notarization Requirements: Notarization is the notary's signature and stamp.

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	NA
"OR":	One (Slash "/" means "and")

Lessor/lessee: Will accept the signature of only the Lessor

TOD=Transfer on Death: The person named after TOD is not a co-owner and is not required to sign the CA title releasing interest.

Effective Year of Title Law: 1923

Trailer Requirements:

Title: All trailers are required to be titled. Mobile Homes/trailer coaches that are under 40 ft in length and 8 ft in width are titled and registered. Mobile homes/trailer coaches that exceed 40ft in length or 8ft in width are not titled and registered with the Dept of Motor Vehicle..

Registration: All vehicles moved, driven or left standing on the highways.

ATV/OHV Requirements: Title and registration required

Moped Requirements: Not titled, identification card required

Salvage: Salvage titles issued. Titles issued when repaired will be branded "Salvaged"

Snowmobile Requirements: Title and registration required

Vessel Requirements: Title and registration required

Colorado

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

After January, 1990 anything with a perjury statement does not need a notary. The perjury statement begins with the statement "I/we certify under penalty of perjury ..."

An old title without the perjury statement must be signed, but does not need a notary if they attach the "Statement of Transfer" (can only be used in conjunction with a CO title).

Seal Requirements: None

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1925

Trailer Requirements:

Title: All trailers used on the highways.

Registration: All trailers used on the highways

ATV/OHV Requirements: No title or registration issued.

Moped Requirements: No title or registration required

Salvage: Salvage title issued. Title issued from salvage title: 10/1/90-12/31/02 reflects a brand of "S." Effective 1/1/03 Titles issued from salvage title will reflect "Rebuilt From Salvage" brand

Snowmobile Requirements: Not titled, registration required

Vessel Requirements: Not titled, registration required

However ATV/OHVs, snowmobiles, mopeds and vessels are registered through Division of Parks & Recreation

***Purged Colorado Title*:** Colorado will purge a vehicle record eight years after the last purchase date if the vehicle is not currently registered. If the record has been purged, a person may sell the vehicle using a Motor Vehicle Bill of Sale for Purged Colorado Title.

If a person wants to apply for a Montana title using a the above listed form they must first obtain a letter from the Colorado Department of Motor Vehicles verifying that the record has been purged and that they cannot issue a replacement title.

Documents required to obtain a Montana title are:

- Motor Vehicle Bill of Sale for Purged Colorado Title
- Copy of a Colorado registration in the sellers name
- VIN Inspection Certificate
- Letter of Verification from Colorado DMV
- Application for Montana Title (see Form MV1A)

Connecticut

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Dealer reassignment
No	Statements	No	Title
No	Inspection form	No	Lien release
No	Manufacturer's Certificate of Origin	Yes	Power of Attorney

Seal Requirements: None

Signatures Required with Conjunction: "AND": All
"AND/OR": NA
"OR": One

Effective Year of Title Law: 1959

Vehicles manufactured prior to 1981 are exempt from titling. Ownership may be conveyed by completing a Supplemental Assignment of Ownership (form Q1) and a Bill of Sale.

Trailer Requirements:

Title: All trailers except those 3,000 pounds or less gross weight and mobile homes

Registration: All trailers used on the highways.

ATV/OHV Requirements: Registration required

Moped Requirements: No title or registration required

Salvage: No salvage title issued. Insurance Co stamps “Salvage” on title and must submit to the CT MVD. New title issued when repaired will reflect “Rebuilt"

Snowmobile Requirements: Registration required

Vessel Requirements: Not titled, registration required

Delaware

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Affidavits, all other
No	Salvage Bill of sale	No	Lien release
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Manufacturer's Certificate of Origin	Yes	Power of Attorney

Seal Requirements: Embosser **and** ink stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	One
"OR":	One

Effective Year of Title Law: 1921

Trailer Requirements:

Title: All trailers, including mobile homes

Registration: All trailers used on the highways.

ATV/OHV Requirements: Registration required

Moped Requirements: Title and registration required

Salvage: Salvage Certificate issued. New title issued when repaired will be branded "Reconstructed"

Snowmobile Requirements: No title or registration required

Vessel Requirements: Not titled, registration required through Dept of Natural Resources & Environmental Control.

District of Columbia

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Title	Yes	Power of Attorney
No	Manufacturer's Certificate Origin		

Seal Requirements: None

Signatures Required with Conjunction: Joint Ownership requires all signatures

Trailer Requirements:

Title: All trailers are titled

Registration: All trailers used on the highways

ATV/OHV Requirements: No title or registration required

Salvage: No Salvage Certificate is issued. DC title issued branded as "Salvage." The new title issued when repaired is not branded.

Snowmobile Requirements: No title or registration required.

Vessel Requirements: Title & Registration issued through District of Columbia Harbor Patrol.

Florida

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

N/A	Affidavit of Repossession	N/A	Right of Survivorship
No	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No*	Lien release on Form HSMV 82260	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

* The perforation stamp is not acceptable.

* The secured party may be assigned a permit number to use a stamp to release their interest on the face of the title or on form listed above. The stamp must show the name of the secured party, the word "paid," the date of satisfaction, the permit number issued by the Department and the signature or initials of the authorized representative of the secured party.

Seal Requirements: Inked rubber stamp

Signatures Required with Conjunction: "AND": All
"AND/OR": All
"OR": One

Effective Year of Title Law: 1923

Trailer Requirements:

Title: All trailers including mobile homes, except boat and luggage trailers weighing less than 2,000 pounds.

Registration: All trailers used on the highways, except farm trailers.

ATV/OHV Requirements: Title required on all ATVs purchased 7/1/2002 or after & all off highway vehicles if operated on public lands. Not registered.

Moped Requirements: Not titled but Registration is required.

Salvage: Salvage title issued. New title issued when repaired will be branded "rebuilt"

Slide-on Campers: Not titled.

Snowmobile Requirements: No title or registration required.

Vessel Requirements: Title and registration required.

Georgia

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
N/A	Dealer reassignment	No	Statements
N/A	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: None

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1962-issued on 1963 and newer models

Exceptions: Vehicles 63 through 85 year model may or may not be titled upon transfer of ownership *; except mobile homes, cranes, or vehicles weighing 10,000 pounds or more must continue to be titled if the model year is 1963 or newer.

* Verification from GA that no title was issued will be required. If a GA title was not issued the GA registration in the name of the customer applying for title can be used to obtain a Montana title.

If the GA registration is not in the name of the customer applying for Montana title a bonded title will be required.

Trailer Requirements:

Title: All trailers except pole, boat and homemade trailers, and a utility trailer with an unladen gross weight of 2,000 pounds or less. Travel trailers and camper trailers 13 years old or older are not required to be titled.

Registration: All vehicles and trailers used on the highways except farm trailers weighing less than 2,000 lbs or 4 wheel farm trailers without springs used exclusively to haul agricultural products from one farm to another.

ATV/OHV Requirements: No title or registration required.

Moped Requirements: No title or registration required.

Salvage: Salvage Certificate of Title issued. New title issued when repaired will be branded "rebuilt" unless the Georgia inspector authorizes no brand as per Georgia law.

Snowmobile Requirements: May be titled, no registration required.

Vessel Requirements: Not titled, registration required for motorboats and other mechanically propelled watercraft or sailboats over 12 feet in length are registered with the Department of Natural Resources (3 year registration) and Personal watercraft/Jet skis.

Hawaii

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	No	Salvage certificate
Yes	Dealer reassignment	Yes	Statements
No	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
Yes	Manufacturer's Certificate of Origin if indicated		

Seal Requirements: Embosser **and** ink stamp

Signatures Required: Plural ownership requires all signatures

Effective Year of Title Law: *early* 1940s

Trailer Requirements:

Title: Not required on trailers of any kind.
Registration: All motor vehicles operated on highways, including trailers with the exception of mobile homes.

ATV/OHV Requirements: No title or registration required.

Moped Requirements: No title or registration required.

Salvage: Certificate of Salvage issued to Insurance Company. New title issued when repaired will be branded "Insurance Salvage Rebuilt Vehicle" and "SLVG" will be entered as the TYPE on the title.

Snowmobile Requirements: No title or registration required.

Vessel Requirements: Not titled, registration required through Dept of Land & Natural Resources, Div of Boating & Ocean Recreation.

Idaho

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Affidavit of Inheritance
No	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

Require all signatures to be original or certified copies; do not accept fax copies of documents unless they are faxed from the author of the document and the fax is verified to be a true and exact copy. Idaho auto license clerks are authorized to acknowledge signatures. They do not have seals.

Seal Requirements: Embosser **or** ink stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR"	One
"OR"	One

Lessor/lessee: Will accept the signature of only the Lessor

Effective Year of Title Law: 1927

The following vehicles are not titled: Farm or road construction equipment.

Trailer Requirements:

Title: All trailers over 2,000 pounds unladen weight; and all camp/tent trailers. Boat and utility trailers are not titled unless over 2000 pounds unladen weight. Manufactured Homes are titled unless they are declared real property.

Registration: All trailers operated on the highways.

ATV/OHV Requirements: Title required if purchased after 01/01/91. Registration required

Moped Requirements: Title (unless 50cc or less) and registration required.

Salvage: Salvage Certificate issued if vehicle is 5 years old or newer at the time of salvage declaration or vehicle had value exceeding $6000 prior to the damage. Insurance companies insuring vehicles in Idaho may issue the Salvage Certificate. If the owner retained possession he/she must apply for a Salvage Certificate through the Idaho Transportation Dept. The new title issued when repaired will be branded with "repaired Vehicle" (if one major component part was damaged) or "Reconstructed Vehicle" (if two or more major component parts were damaged, if the vehicle was flood damaged or if the vehicle repairs began before the vehicle was inspected by a motor vehicle investigator).

Slide in Truck Camper: Registered only.

Snowmobile Requirements: Title required if purchased after 01/01/91. Registration required.

Vessel Requirements: Title required on vessels 2000 & newer with permanently attached mode of propulsion and all vessels over 12 feet in length regardless of the mode of propulsion.

Vessels that are exempt and cannot be titled include rowboats (manually propelled by oars), canoes, kayaks, drift boats, inflatable vessels, rafts, barges, non-motorized paddle vessels, sail-boards, tenders, seaplanes, documented vessels and vessels owned by the U. S. or a foreign state or political subdivision and outboard motorboats 12 feet or less in length.

Vessels that may be optionally titled include all the types of vessels listed and are older than 2000 unless they are being financed or if the boat had been previously titled and ownership is transferred, titling is required in both of those situations.

Illinois

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **or** ink stamp

Signatures Required: Plural ownership requires all signatures.

Lessor/Lessee: Requires either signature.

Effective Year of Title Law: 1934

Trailer Requirements:

Title: All trailers, including mobile homes, regardless of weight classification.

Registration: All trailers, regardless of weight classification, if operated on streets or highways with the exception of implements of husbandry and special mobile equipment.

ATV/OHV Requirements: ATV-Title required if purchased new or used on or after 1/1/1998. Registration not required. OHV-Registration required if upgraded for on-road use.

Moped Requirements: Title and registered as motorcycle under 150 CC.

Snowmobile Requirements: *Title not required.* Registration required through Department of Conservation.

Salvage: Salvage Certificate issued. The new title issued when repaired will be branded "rebuilt."

Vessel Requirements: Title and registration required through Department of Conservation.

Indiana

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:
Will accept either a notary or penalty of perjury statement on any of their documents. Their new documents ask that the applicant sign all documents under penalty of perjury. The person is attesting to the information being true and correct. Notary only verifies that the person signed the document; does not attest to the actual information given on the documents.

Seal Requirements: Embosser **or** ink stamp

Signatures Required: Plural ownership requires "All" signatures.

Effective Year of Title Law: 1921

Trailer Requirements:
Title: As of 1/1/90 all trailers must be titled. Camping trailers of any size manufactured after 1/1/86 must be titled.
Registration: All trailers.

ATV/OHV Requirements: May be titled (optional), cannot be registered for highway use; if ATV is used on public property should register with the Department of Natural Resources.

Moped Requirements: Title or Registration not required; must be 15 years of age and have an Indiana ID or driver's license.

Salvage: Salvage Title is issued. New title issued when repaired will be branded "Rebuilt."

Snowmobile Requirements: Title is optional-registered with Dept of Natural Resources.

Vessel Requirements:
Title: Required only if valued at least $3000 when new, is motorized and is used on public water ways.
Registration: Required annually

Iowa

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Affidavit of Death Testate
Yes	Affidavits, all other	Yes	Affidavit of Death Intestate
No	Bill of sale	No	Salvage bill of sale
No	Dealer reassignment	No	Salvage certificate
No	Inspection form	Yes	Power of Attorney
No	Lien release	No	Title
No	Manufacturer's Certificate of Origin		

Seal Requirements: Ink stamp

Signatures Required with Conjunction: "AND": All
"OR": One

Effective Year of Title Law: 1953

Trailer Requirements:

Title: All trailers except regular and semi-trailers with empty weight 2,000 pounds or less

Registration: All trailers except farm trailers and Mobile Homes

ATV Requirements: Title required if new or acquired on or after 1/1/2000. Registration required.

OHV Requirements: No title or registration required.

Moped Requirements: Title and registration required.

Reconstructed: The title is issued with "rec" in the make section, the year indicates the year the vehicle was reconstructed and the model section indicates the year and make of the vehicle from which it was reconstructed. A VIN is assigned with "IA" in the first 2 positions followed by the original chassis VIN.

Snowmobile Requirements: Title required if new or acquired after 1/1/1998. Registration is required.

Salvage: Salvage title issued. New title issued when repaired will either be branded "Prior Salvage" or "Rebuilt."

Vessel Requirements: Registration required.

Title required if vessel 17' and over or there is lien on the vessel. Exception is canoes and inflatables.

Kansas

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Decedent's Affidavit
No	Affidavits, all other	**	Salvage bill of sale
*	Bill of sale	No	Salvage certificate
**	Dealer reassignment	No	Statements
No	Inspection form	No	Title, seller only
Yes	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

* For antique vehicles, trailers less than 2,000 pounds gross weight and/or sales tax purposes only

** Dealer Reassignments: The attachment of one additional reassignment form to a Kansas title will be permitted after 7/1/02. Any Kansas dealer may use the dealer reassignment on the back of the title or MCO and attach 1 additional reassignment. After using one additional reassignment form the dealer is to apply for a Title Only in the dealership name.

** Salvage bill of sale: Do not allow vehicles to be sold on a bill of sale regardless if the vehicle is salvage. The only exceptions are antique vehicles (35 years old or older) and trailers with a gross weight of 2,000 pounds or less.

Seal Requirements: As of 7/1/02, the notary requirements for Kansas titles were eliminated. No title documents submitted beyond 7/1/02 need to be notarized. The exception is lien releases, motor vehicle dealer bonds and bills of sale used to transfer ownership on boat trailers with a GVW over 2000 lbs.

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	One
"OR":	One

Lessor/lessee: Will accept the signature of only the Lessor.

Effective Year of Title Law: 1929

Electronic "E" Titles: Effective 1/1/2003 If there is a security interest on a vehicle, the Kansas Dept of Revenue's Division of Vehicles will hold the title electronically, until the security/lien is satisfied. If the security interest is not satisfied Kansas form TR42 must be completed and sent to the Kansas Dept of Revenue by the Montana county treasurer's office in the county the owner is applying for title.

Trailer Requirements:

Title: All trailers except with operating GVW 2,000 or less are titled at owner option.

Registration: All trailers used on the highways (optional on trailers of 2,000 pounds or less).

ATV/OHV Requirements: Title required.

Moped Requirements: Title required and annual registration required if street worthy

Salvage: Salvage title issued as of 7/1/2000. New title issued when repaired will be branded "Rebuilt Salvage".

Titles that are branded as "Formerly Non-Highway" are considered same as Rebuilt Salvage Title. Titles that are currently branded as "salvage non-highway" are considered to be the same as a salvage title (inspection required)

Snowmobile Requirements: No title or registration required,

Vessel Requirements: Not titled, must be registered with the Kansas Wildlife & Parks,

Kentucky

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	N/A	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	Yes	Salvage certificate
Yes	Dealer reassignment	Yes	Statements
Yes	Inspection form	Yes	Title
Yes	Lien release	Yes	Power of Attorney
Yes	Manufacturer's Certificate of Origin		

Seal Requirements: Not required

Signatures Required with Conjunction: "AND": All
"OR": One

Lessor/Lessee: Requires Lessor signature.

Effective Year of Title Law: 1974 (combination document) 1983 (separation of documents).

Trailer Requirements:

Title: All trailers except those exempted (502) 564-2737 for more information

Registration: All vehicles operated on highways, except privately owned and operated trailers used for transportation of boats, luggage, personal effects, farm products, farm supplies, or farm equipment.

ATV/OHV Requirements: No title (ATV is optional) or registration required.

Moped Requirements: No title or registration required.

Salvage: Salvage title issued. New title issued when repaired will be branded either “Rebuilt Vehicle” or “Water Damaged.”

Snowmobile Requirements: No title or registration required.

Vessel Requirements: Title required, registration required if motorized.

Louisiana

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	Yes	Salvage certificate
Yes	Dealer reassignment	No	Inspection form
Yes	Title	Yes	Power of Attorney
Yes	Lien release (must be on Company letterhead)		
Yes	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser if notarized in Louisiana
Embosser **and** ink stamp if notarized out of Louisiana

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1950

Trailer Requirements:

Title: All trailers used on the highways.

Registration: All trailers used on the highways.

ATV/OHV Requirements: Title and registration required.

Moped Requirements: Title and registration required.

Salvage: Salvage Certificate of title is issued. New title issued when repaired will be branded "Reconstructed Vehicle" and the "RC" code will be shown on the face of the title in the model field (with exception of trucks).

Snowmobile Requirements: No title or registration required.

Vessel Requirements: Not titled. Registration required through the Dept of Wildlife & Fisheries. Personal watercraft/Jet Skis are registered.

Maine

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
No	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: None (most notaries use an embosser, however only require signature)

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1975 (vehicles 15 years old and newer only titled)

Trailer Requirements:

Title: Vehicles less than 15 years old are titled except trailers with an unladen weight of 3,000 pounds or less and mobile homes.

Registration: All trailers used on the highways.

ATV Requirements: No title issued-Registered with Inland Fish & Wildlife.

OHV Requirements: May be titled (motorcycles only titled if over 300 cc's).

Moped Requirements: *No title issued.* Registration required.

Salvage: Certificate of Salvage issued. New title issued when repaired will be branded either "Rebuilt" or "Repaired."

Snowmobile Requirements: *No title issued.* Registration required with Department of Inland Fisheries and Wildlife.

Vessel Requirements: No title issued, registration required with Department of Inland Fisheries and Wildlife if motorized watercraft.

Maryland

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Right of Survivorship
No	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **or** ink stamp

Signatures Required: Plural ownership requires all signatures

Effective Year of Title Law: 1920

Trailer Requirements:

Title: All trailers (mobile homes are optional). Effective 1/1/97 boat & utility trailers with a 2,500 GVWR or less have the option to register and not title.

Registration: All trailers used on the highways except mobile homes.

ATV/OHV Requirements: Title is optional required for lien purposes, no registration.

Moped Requirements: No title or registration required.

Snowmobile Requirements: No title or registration required.

Salvage: Salvage Certificate issued. New Maryland title issued when repaired will be branded "Salvage."

Vessel Requirements: Title and registration issued by Dept of Natural Resources.

Massachusetts

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
Unk	Bill of sale	No	Salvage certificate
No	Dealer reassignment	Yes	Statements
No	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: None

Signatures required: Plural ownership requires all signatures

Effective Year of Title Law: 1972

Trailer Requirements:

Title: All trailers over 3,000 pounds with exception of mobile homes.

Registration: All trailers used on the highways with exception of mobile homes.

ATV/OHV Requirements: Title not required. Registration required.

Memorandum (NON-Negotiable) Title: This document is issued when and out-of –state lienholder is holding the original out-of-state title. This document is not valid to transfer or obtain a Montana title.

Moped Requirements: Title not required. Registration required through Dept of Marine & Recreational Vehicles.

Salvage: Salvage title issued. New title issued when repaired will be branded "Reconstructed."

Snowmobile Requirements: Title not required. Registration required with Department of Marine and Recreational Vehicles.

Vessel Requirements: Title and registration required with Department of Marine and Recreational Vehicles.

Michigan

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Power of Attorney
No	Affidavits, all other	No	Right of Survivorship
No	Bill of sale	No	Salvage bill of sale
No	Dealer reassignment	No	Salvage certificate
No	Inspection form	No	Statements
No	Junking Certificate	No	Title
No	Manufacturer's Certificate of Origin	No	Lien release

Seal Requirements: None

Signatures Required: Plural ownership requires all signatures

Lessor/lessee: Will accept the signature of only the Lessor

Effective Year of Title Law: 1919

Trailer Requirements:

Title: All trailers weighing 2,500 pounds or more.

Registration: Every trailer moved on the highways. Mobile Homes are not registered

ATV/OHV Requirements: Title & Registration required

Moped Requirements: Not titled. Registration required

Salvage: Salvage title issued. New title issued when repaired will be branded "This vehicle was previously issued a Salvage Title."

Slide-in Campers: Title required as of 1/1/1991

Snowmobile Requirements: Not titled. Registration required.

Vessel Requirements:

Title: Required for all watercraft with an inboard engine (permanently affixed engine), or all watercraft 20 feet in length and longer if acquired since 1977. A title will be issued for an exempt vessel if request by the owner.

Registration: Required for all motorized watercraft, sailboats and hand-powered vessels 16 feet and longer (three-year registration).

Minnesota

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship-or Witness by employee or agent
Yes	Affidavits, all other	NA	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
Yes	Lien release (generic)	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **or** ink stamp

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1972

Trailer Requirements:

Title: All vehicles, except trailers with a gross weight of 4,000 pounds or less.

Registration: All trailers operated on highways, except farm trailers under certain conditions, liquid fertilizer trailers, and mobile homes.

ATV/OHV Requirements: No title issued. Registration required.

Moped Requirements: Title and registration required.

Salvage: Salvage title is a Minnesota title that has been stamped with the legend "Salvage Certificate of Title." The new title issued when repaired will be branded "Prior Salvage."

Snowmobile Requirements: No title issued. Registration required. Exception is collector snowmobiles 25 years or older (owned as a collector's item) and a snowmobile at least 15 years old used only on land owned or leased by the snowmobile owner.

Vessel Requirements: Title (effective 1/1/91) over 16' and 1980 and newer and registration required (exception is non-motorized watercraft 9ft or less does not have to be registered).

Note: Contact Minnesota Dept of Natural Resources for information on these last four vehicle types.

Mississippi

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No*	Bill of sale	No	Salvage certificate
No	Dealer reassignment	Yes	Statements
No	Inspection form	No	Title
No	Lien release	**	Power of Attorney
Yes	Manufacturer's Certificate of Origin		

* Bills of sale not acceptable for transfer except on 1969 and older vehicles that were never titled.

** Yes, general Power of Attorney; No, secure Power of Attorney

Seal Requirements: Embosser **or** ink stamp

Signatures Required: Plural ownership requires all signatures.

Effective Date of Title Law: Manufactured after July 1, 1969.

Replacement Non-transferable Title: 8.5 X 11 white sheet of paper listing the vehicle and ownership information listing "Replacement" is a "non-transferable" document. The original title is held by the secured party.

Trailer Requirements:

Title: All trailers manufactured after 1969 unless weigh less than 5,000. Effective 7/1/99 Mobile homes must be titled.

Registration: All trailers used on the highways except farm trailers of 8,000 pounds or less.

ATV/OHV Requirements: Title is optional. Registration not required.

Moped Requirements: Title & registration required.

Salvage: Mississippi title issued with brand of "Salvage" on the face. New title issued when repaired will be branded "Rebuilt Vehicle."

Snowmobile Requirements: No title or registration required.

Vessel Requirements: Title is optional. Registration required.

Missouri

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Right of Survivorship
***	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	No	Salvage certificate
No	Dealer reassignment	Yes	Power of Attorney
**	Inspection form	No	Title
No	Manufacturer's Certificate of Origin	*	Lien release

* Yes; However if the lien release is submitted on the lienholder's letterhead a notary is not required.

All liens released on or after 7/1/2003 must be notarized. Liens will no longer be able to be released on the face of the Missouri title as of 7/1/2003.

** No; the only exception is the Vehicle Examination Certificate and Affidavit (DOR 551).

*** All statements/affidavits must be notarized with the exception of the odometer disclosure statements (DOR 3019) and any statement/affidavit pertaining to mileage.

Seal Requirements: Embosser **or** ink stamp

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1903

Trailer Requirements:

Title: All trailers, including mobile homes.

Registration: All trailers used on the highways. Mobile Homes are not registered

ATV/OHV Requirements: Title and registration required.

Moped Requirements: No title or registration required.

Salvage: Salvage Certificate of title issued. New title issued when repaired will be branded "Prior Salvage."

Snowmobile Requirements: No title or registration required.

Vessel Requirements:

Title: Required on all motorized watercraft and all watercraft over 12 feet in length powered by sail alone, and all motors regardless of size except trolling motors.

Registration: Required (there-year sticker).

Montana [Rev. 7/24/13]

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Right of Survivorship
*	Affidavits, all other	Yes	Salvage bill of sale
**	Bill of sale	Yes	Salvage certificate
Yes	Dealer reassignment	*	Statements
No	Inspection form	Yes	Title
**+	Lien release	**	Application for Title
Yes	Manufacturer's Certificate of Origin	**	Application for replacement Title
Yes	Power of Attorney	No	Application for Salvage Certificate

***** No, unless the statement involves the release of a person's interest in a vehicle, in which case it must be notarized.

****** Forms have been revised. Older forms that provide for a notary require a notary. Newer forms contain an Unsworn Falsification Penalty and do not require a notary

+ Out-of-state lien releases on Montana titles: If the release form is from a state that does not require a notary, the TRB will not require a notary.

Seal Requirements: Embosser **or** ink stamp, city or town of residence and date commission expires; notary signatures must be in ink.

Note: Effective October 1, 2013, embossed seals will not be acceptable. Ink stamps only will be accepted.

Signatures Required: Plural ownership requires all signatures.
(Montana no longer issues titles using conjunctions and does not recognize the conjunction "or").

Effective Year of Title Law: 1926 motor vehicles, 1971 snowmobiles, 7/1/77 mobile homes, 7/1/88 vessels, 1990 off-highway vehicles.

Trailer Requirements*:

Title: All trailers.

Registration: All trailers used on the highways.

***** Tow dollies, car dollies, converter gears, booster axles and jeeps are neither titled nor registered. For title and registration purposes a flip axle unit is a trailer and would be titled and registered.

ATV/OHV Requirements: Title and registration required if used on public lands. Not required if used on private lands.

Moped Requirements: Not titled and registered. Driver license required, no motorcycle endorsement.

Salvage: Salvage Certificate issued on vehicles newer than five years old. New title issued when repaired will be branded "Rebuilt Salvage."

Slide in Truck Campers: Title is required. Registration is not required.

Snowmobile Requirements: Title and Registration required.

Vessel Requirements: Title and registration required on all motorized vessels. Vessels and sailboats that are 12 ft in length and longer.

Vessels that will not be titled:

A. Sailboats and windsurfers under 12-feet in length, canoes, rafts, tubes or any other vessel that is never powered by a motor.

Nebraska

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession		No	Right of Survivorship
Yes	Affidavits, all other		Yes	Salvage bill of sale
Yes	Bill of sale	*	No	Power of Attorney
No	Dealer reassignment		No	Statements
No	Inspection form		No	Title - beginning 07/16/94
No	Manufacturer's Certificate of Origin		No	Lien release

* Notary required if it is a General or Durable POA

Seal Requirements: Embosser **and** ink stamp (Notaries use personalized stamps for their seal. They may be in the form of a heart, stag etc. They are official and acceptable.)

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1939

Trailer Requirements:

Title: All trailers used on the highways, except non-commercial trailers with a gross weight of 9,000 pounds or less.

Registration: All trailers used on the highways.

ATV/OHV Requirements: Title required if purchased new after 1/1/04. Title is optional if purchased before 1/1/04. No registration required.

Moped Requirements: No title or registration required.

Salvage: Salvage Certificate of Title is issued. New title issued when repaired will be branded "Previously Salvage."

Snowmobile Requirements: Title not required. Registration required.

Vessel Requirements: Title required if manufactured after 11/1/92. Registration required on all motorized boats.

Nevada

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	NA	Right of Survivorship
*	Affidavits, all other	No	Salvage bill of sale
*	Bill of sale	No	Salvage certificate
No	Dealer reassignment	*	Statements
No	Inspection form	No	Title
NO	Lien release	Yes **	Power of Attorney
No	Manufacturer's Certificate of Origin		

* Notary may be used; but can be signed in front of an authorized Nevada DMV employee in lieu of a notary.

** Regular Power of Attorneys does require a notary. The secure power of attorney does not as there is not a place for a notary.

Seal Requirements: An ink stamp is preferred for notaries public.

Signatures Required:

With conjunction:	"AND":	All
	"AND/OR":	One
	"OR":	One

Lessor/lessee: Will accept the signature of only the Lessor.

Effective Year of Title Law: 1931

Trailer Requirements:

Title: All trailers used in Nevada except special mobile equipment.
Registration: All vehicles used on the highways, except manufactured homes.

ATV Requirements: Titling and registration is optional.

OHV Requirements: Title required but not registered.

Moped Requirements: Title is optional-no registration required.

Salvage: Salvage Certificate issued. New title issued when repaired will be branded "Rebuilt."

Snowmobile Requirements: *T*itle is optional. Registration is not required.

Vessel Requirements: Title and registration required; replacement titles are not issued for vessels (use the last registration and verification from Nevada that the last registered owner is still the current owner).

New Hampshire

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
Yes	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **or** ink stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	All
"OR":	One

Lessor/Lessee: Requires signature of Lessor only.

Effective Year of Title Law: 1968 (vehicles older than 15 years are not required to be titled).

Trailer Requirements:

Title: All vehicles, except those older than 15 years or trailers with a gross weight of less than 3,001 pounds (heavy trucks and truck-tractors exceeding 18,000 pounds GVW are titled regardless of age).

Registration: All trailers used on the highways.

ATV/OHV Requirements: Not titled--registration required through Fish & Game.

Moped Requirements: Not titled--registration required through NH DMV offices.

Salvage: Salvage Certificate of title issued on vehicles 15 years and newer. The new title issued when repaired will be branded “Rebuilt Vehicle.”

Snowmobile Requirements: Not titled, Registration required.

Vessel Requirements: Not titled, registration required.

New Jersey

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

	No	Affidavit of Repossession		No	Right of Survivorship
	No	Affidavits, all other		No	Salvage bill of sale
*	Yes	Bill of sale		No	Salvage certificate
	No	Dealer reassignment		No	Statements
	No	Inspection form		No	Title
	No	Lien release	*	Yes	Power of Attorney
	No	Manufacturer's Certificate of Origin			

* Notary not required on any New Jersey MVC form.
Attorneys can notarize any document; no seal is required.

Seal Requirements: None.

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1930

Trailer Requirements:

Title: All trailers used on highways, except certain non-conventional type vehicles (which includes trailers and semi-trailers weighing less 2,500).

Registration: All trailers used on the highways.

ATV/OHV Requirements: No title required, registration may be required

Moped Requirements: Title and registration required if purchased on or after 6/13/83

Reconstructed Vehicles: The title will be issued with "REC" in the make field

Salvage: Salvage title is issued. New title issued when repaired will carry a special code of "S"

Snowmobile Requirements: No title required. Registration required

Vessel Requirements: Title required for vessels and hulls over 12-feet in length; registration required.

New Mexico

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Power of Attorney
Yes	Affidavits, all other	Yes	Right of Survivorship
Yes	Bill of sale, generic	Yes	Salvage bill of sale
No	Bill of Sale, Form MVD-10009	Yes	Salvage certificate
Yes	Dealer reassignment	Yes	Statements
Yes	Inspection form	No	Title
Yes	Manufacturer's Certificate of Origin	Yes	Lien release

Seal Requirements: Embosser **or** ink stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	All
"OR":	One

Effective Year of Title Law: 1912

Trailer Requirements:

Title: All trailers used on the highways.

Registration: All trailers moved on the highways.

ATV/OHV Requirements: Title and registration required.

Moped Requirements: No title or registration required.

Salvage: New Mexico title will show "Salvage" in the model field and the title will be stamped "Salvage." New title issued when repaired will still show "salvage" as the model but will show "Rebuilt" as the make.

Snowmobile Requirements: Title and registration required.

Vessel Requirements: Title required for motorboats 10-feet long and over; registration required.

New York

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	Yes	Statements
No	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **or** ink stamp

Signatures Required: Only one signature required.

Effective Year of Title Law: 1973 (and newer models titled); for 1972 and older vehicles-transfer with Transferable Registration Receipt or MV-353 (Certification of New York State Registration for Transfer of Non-Titled Vehicle).

Trailer Requirements:

Title: Law applies to most 1973 and newer models except limited-use trailers less than 1,000 pounds unladen weight, pole trailers and 1995 and newer mobile homes.

Registration: All vehicles used on the highways.

ATV/OHV Requirements: Not Titled. Registration required

Moped Requirements: Not Titled. Registration required.

Snowmobile Requirements: Not Titled. Registration required.

Salvage: Salvage Certificate is issued. The new title issued when repaired will be branded "Rebuilt Salvage NY".

Vessel Requirements: Title required on 1987 and newer-at least 14 feet long equipped with a motor and registration required.

North Carolina

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
No	Bill of sale	Yes	Salvage certificate
Yes	Dealer reassignment	No	Statements
No	Inspection form	Yes	Title
No	Lien release	Yes	Power of Attorney
Yes	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **or** ink stamp

Signatures Required: North Carolina does not use conjunctions. Plural ownership requires all signatures.

Effective Year of Title Law: 1923

Trailer Requirements:

Title: All trailers used on the highways.

Registration: All trailers used on the highways.

ATV/OHV Requirements: No title or registration required.

Moped Requirements: Registration required-Title required if exceeds 20 mph.

Salvage: Salvage title is issued. New title issued when repaired will be branded "Reconstructed" if the cost of the repairs exceeds 75% of the vehicle value. If the repairs did not exceed 75% the title will not be branded

Snowmobile Requirements: No title or registration required.

Vessel Requirements: Registered through Wildlife Resources Commission; Title optional.

North Dakota

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	No	Salvage certificate
No	Dealer reassignment	Yes	Statements
No	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **and** ink stamp

Signatures Required:

With conjunction: "AND": All
"OR": One

Lessor/lessee: Title and registration issued in the name of the lessor. Registration cannot be issued in the name of the lessee; however, lessee's name and address may be used for an address.

Effective Year of Title Law: 1927

Trailer Requirements:

Title: All trailers except luggage, utility, boat trailers or non-farm private trailers that are not for hire and weigh less than 1500 lbs.

Registration: All vehicles used on the highways except utility and boat trailers under 1,500 pounds gross weight (identification plates not required but may be obtained).

ATV/OHV Requirements: Title and registration required.

Moped Requirements: Title and registration required (registered as a motorcycle).

Salvage: Salvage Certificate of Title issued. Effective 1/1/2004 the new title issued once repaired will be branded "This vehicle has been previously salvaged". If the title was issued before 1/1/2004 the title will be branded "This vehicle has been previously damaged."

Snowmobile Requirements: Title and registration required.

Vessel Requirements: Not titled, registration required.

Ohio

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	Yes	Salvage certificate
N/A	Dealer reassignment	Yes	Statements
No	Inspection form	Yes	Title
No	Lien release	Yes	Power of Attorney
Yes	Manufacturer's Certificate of Origin		

Seal Requirements: Signature, seal embosser and date commission expires.

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1938

Ohio issues a Memorandum title when a vehicle is financed by a lender. This title is non-negotiable and cannot be used to transfer interest in the vehicle to another person.

Trailer Requirements:

Title: All trailers used on the highways, except non-commercial or commercial trailers and semi-trailers under 4,000 pounds vehicle weight. All travel trailers are titled regardless of weight.

Registration: All trailers operated on the highways.

ATV/OHV Requirements: Title and registration required if used on State & Federal land.

Moped Requirements: Not titled; registration required.

Salvage: Salvage Certificate of title issued. New title issued when repaired will be branded "Rebuilt Salvage."

Snowmobile Requirements: Not titled-Registration required, except for those operated just on private lands.

Vessel Requirements: Title and registration required for boats over 14' and all vessels with outboard motors of 10 hp or more and personal watercraft. Canoes and kayaks are exempt from titling. All watercraft are required to be registered.

Oklahoma

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	Yes	Salvage certificate
Yes	Dealer reassignment	Yes	Statements
No	Inspection form	Yes	Title
No	Lien release	Yes	Power of Attorney
Yes	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser, stamp or impression seal (no stamped notary signature).

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	One
"OR":	One

Effective Year of Title Law: 1925

Trailer Requirements:

Title: All commercial trailers; and all non-commercial that exceed 30,000 GVW (all trailers issued a certificate of convenience by ICC or OCC shall be presumed commercial) travel trailers and pop-up tent trailers. Boat, utility and trailers used to haul personal items are not titled.

Registration: All trailers except small trailers not used for commercial purposes.

ATV/OHV Requirements: No title or registration required for vehicles manufactured & designed for off highway use. Both are required if manufactured & designed for on-highway use-even if used exclusively off road.

Moped Requirements: Title and Registration required

Reconstructed (Assembled) Vehicles: The "make" field on the title issued will list 1st & 2nd characters "AV" denoting an assembled vehicle. Characters 3 and 4 will be the year of the body. The 5th & 6th characters will be the first 2 letters of the original make name. Example is AV94CH=Assembled 94 Chevrolet.

Salvage: Certificate of title is issued showing Salvage brand on the front. New title issued when repaired will be an orange title if the vehicle is 1-7 years old. If the vehicle is older than 7 years a green title will be issued. "Rebuilt" notation is listed in the "type of title" field.

Snowmobile Requirements: No title or registration required.

Vessel Requirements:

Title: Required for all watercraft, documented vessels and outboard motors greater than 10-horsepower.

Registration: Required.

Oregon

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Ink stamp required, may use embosser in addition to stamp

Signatures Required: Plural ownership requires all signatures.

Lessor/lessee: Oregon requires signature of Lessor & security interest holder.

Effective Year of Title Law: 1925

Trailer Requirements:

Title: All trailers and campers (pick-up type) operated on the highways. Trailers with a GVW of less than 1,800 pounds are optional. All travel trailers are titled.

Registration: All trailers and campers (pick-up type) operated on the highways except light trailers with a loaded capacity under 1,800 pounds.

Manufactured Home: Issued a Manufactured Structure Ownership Document.

ATV/OHV Requirements: Title is optional and registration is required through Oregon State Parks and Recreation.

Moped Requirements: Title and registration required if used on public highways

Salvage: Salvage title issued. New title issued when repaired will be branded either “Reconstructed”, “Replica” or “Assembled.”

Snowmobile Requirements: Title and registration required unless used exclusively for farming, agriculture, forestry operations or owned and operated by a Government agency.

Vessel Requirements: Title and registration required through Oregon Marine Board

Pennsylvania

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
Yes	Dealer reassignment	No	Statements
No	Inspection form	Yes	Title
Yes	Lien release	Yes	Power of Attorney
Yes	Manufacturer's Certificate of Origin		

Seal Requirements: Required to use rubber seal stamp but retain option to use an embosser.

Verification in lieu of notarization: May only be used by issuing agents/Licensed dealers or their employees with 85, 86, or 87 DINS (dealer identification number). The issuing agent's name and ID number and the signature of the issuing agent or its employee shall be written in the space provided for a notarization or verification (may not be stamped or reproduced). All other agents must continue to notarize documents.

Signatures Required: Plural Ownership requires all signatures.

Lessor/lessee: Will accept the signature of only the Lessor

Effective Year of Title Law: 1923

Trailer Requirements:

Title: All trailers.

Registration: All trailers operated on the highways.

ATV/OHV Requirements: Title and registration required.

Moped Requirements: Title and registration required.

Salvage: Certificate of Salvage issued. New title issued when repaired will show "Reconstructed" and will show a code "R" in brand field.

Snowmobile Requirements: Title and Registration required.

Vessel Requirements: Title required on 1997 and newer; Registration required on all.

Rhode Island

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization: Affidavits and Applications

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: None

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	One
"OR":	One

Effective Year of Title Law: 1972 (vehicles 10 years old and newer required to be titled).

Trailer Requirements:

Title: All trailers 10 years old and newer registered for use, except trailers designed for carrying property with carrying capacity of less than 3000 lbs.

Registration: All trailers used on the highways.

ATV/OHV Requirements: No title-Registration required.

Moped Requirements: No title-Registration required.

Salvage: Salvage Certificate issued. New title issued when repaired will be branded "Reconstructed Salvage."

Snowmobile Requirements: No title-Registration required.

Vessel Requirements: Titled and registered by Dept of Environmental Management. Registration is required for vessels longer than 14-feet.

South Carolina

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	Yes	Statements
No	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
Yes	Manufacturer's Certificate of Origin		

Seal Requirements: None

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	All
"OR":	One

Effective Year of Title Law: 1958

Trailer Requirements:

Title: All trailers except pole trailers and unregistered utility, boat and farm trailers.

Registration: All trailers used on the highways, except privately owned utility, boat and farm trailers weighing less than 2,500 pounds.

ATV/OHV Requirements: Title is required on OHV-no registration required; No title or registration required on ATV.

Moped Requirements: No title or registration required.

Salvage Requirements: Certificate of title is issued with a salvage brand. New title issued when repaired will be branded “Rebuilt Salvage.”

Snowmobile Requirements: No title or registration required.

Vessel Requirements: Title and registration required.

South Dakota

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	N/A	Salvage bill of sale
No	Bill of sale	N/A	Salvage certificate
No	Dealer reassignment	Yes	Statements
N/A	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **and** ink stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	Construed as "OR"
"OR"	One

Lessor/lessee: Will accept the signature of only the Lessor.

Effective Year of Title Law: 1925

Trailer Requirements:

Title: All trailers.

Registration: All trailers operated on the highways.

ATV/OHV Requirements: Title required; 4-wheel ATVs may be registered as a motorcycle if meets equipment standards.

Moped Requirements: Title or registration (optional).

Salvage: No salvage title issued. It was replaced with the Damage Disclosure law and the title would be issued listing the damage disclosure on the face. New title issued when repaired will be branded "Rebuilt."

Snowmobile Requirements: Title and registration required.

Vessel Requirements: Title & registration required on vessels 12 feet & over in length and all motorized vessels with exception of canoes, inflatables, kayaks, sailboards and seaplanes.

Tennessee

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	No	Salvage certificate
No	Dealer reassignment	Yes	Statements
N/A	Inspection form	No	Title
No	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	All
"OR":	One (if husband & wife)

Effective Year of Title Law: 1951

Trailer Requirements:

Title: All trailers except boat trailers and farm trailers (one and two horse trailers), collapsible camping trailers

Registration: All trailers except farm (one and two horse trailers), boat and utility trailers

ATV/OHV Requirements: Titled but not registered.

Moped Requirements: Titled and registration is optional.

Salvage: Salvage title issued on vehicles newer than 10 years. New title issued when repaired will be branded "Rebuilt Vehicle-Anti Theft Inspection Passed."

Snowmobile Requirements: Titled, but not registered.

Vessel Requirements: Not titled, but registered with Tennessee Wildlife Resources Agency.

Texas

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	No	Right of Survivorship
No	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **or** ink stamp

Signatures Required: Plural ownership required all signatures.

Effective Year of Title Law: 1939

Trailer Requirements:

Title: All vehicles used on highways except trailers or semi-trailers having an unladen weight of 4,000 pounds or less.

Registration: All vehicles operated on the highways except farm trailers and farm semi-trailers having an unladen weight of 4,000 pounds or less.

ATV/OHV Requirements:

All terrain vehicles (three or more wheels, equipped with a bench seat, and not designed by the manufacturer for farm use) are required to be titled, but not registered.

Off-highway vehicles (two or three wheels) are required to be titled and registered.

Moped Requirements: Title and registration required.

Salvage: Salvage title issued. New title issued when repaired will be branded “Rebuilt Salvage.”

Snowmobile Requirements: No title or registration required.

Vessel Requirements:

Title: Required for vessels and motorized watercraft. Exempt are canoes, kayaks, punts, rowboats, or other vessels under 14-feet when paddled, poled, oared or windblown.

Registration: Required for watercraft vessels over 14-feet in length and all motorized watercraft.

Utah

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Facts	No	Power of Attorney
No	Affidavit of Repossession	No	Right of Survivorship
No	Affidavits, all other	No	Salvage bill of sale
No	Bill of Sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Manufacturer's Certificate of Origin	No	Lien release

Seal Requirements: Ink stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	One
"OR":	One

Effective Year of Title Law: 1934

Trailer Requirements:

Title: All trailers except 750 pounds or less unladen weight not used for hire.

Registration: All trailers except 750 pounds or less unladen weight not designed, used and maintained for transportation of property or person for hire.

Utah changed the format of trailer titles: The trailer type is listed as make and the make name is listed as the model.

ATV/OHV Requirements: Registration required; title required for 1988 and newer.

Moped Requirements: Title and Registration required if designed for highway use.

Salvage: Salvage Certificate issued. New title issued when repaired is branded with "Rebuilt/Restored."

Slide in Truck Campers: Not titled or registered.

Snowmobile Requirements: Registration required; title required for 1988 and newer.

Vessel Requirements:

Title: Required for 1985 and newer except canoes, inflatable vessels powered by an outboard motor 25-horsepower or less, government-owned watercraft and sailboats.

Registration: Required for all watercraft with motor or sail.

Vermont

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Notarization is not required on any documents

Seal Requirements: None

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	All
"OR":	One

Effective Year of Title Law: Vehicles 15 years old and newer. *

*Motorcycles that have less than 300 cc engine displacement and mopeds are not titled.

Trailer Requirements:

Title: Trailers 15 years old and newer except trailers with an unladen weight of 1,500 pounds or less.

Registration: All trailers used on highways except farm trailers towed by a farm tractor or registered farm truck owned by a bona fide farmer in transportation of agricultural products.

ATV/OHV Requirements: Title required on ATV beginning with the 2004 model. Registration required. OHV not titled or registered.

Moped Requirements: Title not required; registration required.

Salvage: Title issued with "salvage" brand stamped across the face to vehicles newer than 10 years. New title issued when repaired will be branded "Rebuilt Vehicle."

Snowmobile Requirements: Title required beginning with the 2004 model. Registration is required.

Vessel Requirements:

Title: Required for 1989 and newer models 16 feet and longer except canoes, kayaks.

Registration: Required.

Virginia

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

No	Affidavit of Repossession	No	Right of Survivorship
*	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

* Notary is required on an Affidavit in Lieu of Title; however Virginia code provides that employees are "notaries" for purpose of DMV business.

Seal Requirements: None

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1927

Trailer Requirements:

Title: All trailers operated on the highways.

Registration: All trailers operated on the highways except trailers used exclusively for agricultural or horticultural purposes and operated for a distance of not more than 10 miles from the owner's land.

ATV/OHV Requirements: No title or registration required.

Moped Requirements: No title or registration required.

Salvage: "Salvage Vehicle" will appear in the other pertinent data field on the Virginia title. New title issued when repaired will be branded "Salvage Rebuilt" in the other pertinent data field.

Snowmobile Requirements: No title or registration required

Vessel Requirements: Title required by Dept of Game & Inland Fisheries.
Registration not required.

Washington

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	Yes	Salvage bill of sale
Yes	Bill of sale	N/A	Salvage certificate
No	Dealer reassignment	Yes	Statements
No	Inspection form	No	Title
Yes	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **and** ink stamp

Signatures Required: Plural ownership requires all signatures.

Lessor/lessee: Will accept the signature of only the Lessor.

Effective Year of Title Law: 1933

Trailer Requirements:

Title: All trailers and mobile homes with exception of trailers described under registration below.

Registration: All vehicles used on the highways except trailers used exclusively to transport farm implements from one farm to another for a distance not to exceed 15 miles from where principally used or garaged.

ATV/OHV Requirements: Title and registration required.

Moped Requirements: Title and registration required.

Salvage: No salvage title issued. The title is required to be submitted to the WA Motor Vehicle Dept and the file is marked as destroyed. Once the vehicle is repaired and inspected the Washington title reflects "WA REBUILT" in a banner across the front.

Snowmobile Requirements: Not titled-Registration required.

Vessel Requirements: Title and registration required on vessels over 16-feet; required on vessels under 16-feet, if used with a motor that is more than 10-horsepower. Title and registration is not required on any vessel that is human-powered.

West Virginia

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
Yes	Bill of sale	No	Salvage certificate
No	Dealer reassignment	Yes	Statements
No	Inspection form	No	Title
Yes	Lien release	Yes	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **and** ink stamp

Signatures Required with Conjunction:

"AND":	All
"AND/OR":	One
"OR":	One

Effective Year of Title Law: 1930

Trailer Requirements:

Title: All trailers designed for use on the highways.

Registration: All trailers used on the highways.

ATV/OHV Requirements: Title required, registration not required.

Moped Requirements: Title and registration required.

Salvage: Salvage title issued. New title issued when repaired will be branded “Reconstructed.”

Snowmobile Requirements: Title required, no registration required.

Vessel Requirements: Title and registration required if motorized.

Wisconsin

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	Yes	Right of Survivorship
Yes	Affidavits, all other	No	Salvage bill of sale
No	Bill of sale	No	Salvage certificate
No	Dealer reassignment	No	Statements
No	Inspection form	No	Title
No	Lien release	No	Power of Attorney
No	Manufacturer's Certificate of Origin		

Seal Requirements: Embosser **or** ink stamp

Signatures Required:

With conjunction:	"AND":	All
	"AND/OR":	All
	"OR":	One (effective 7/1/97)

Lessor/lessee: Will accept the signature of only the Lessor

Effective Year of Title Law: 1925

Trailer Requirements:

Title: All trailers, those not requiring registration; i.e. if registration is not required, the trailer is not titled. Trailers under 3000lbs are not titled.

Registration: All trailers used on the highways except trailers and semi trailers used exclusively for transportation of farm equipment. Trailers under 3000lbs are not registered.

ATV/OHV Requirements: Not titled. Registration required by Dept of Natural Resources.

Moped Requirements: Title and registration required if the vehicle is certified by the manufacturer for highway-use.

Salvage: Salvage title issued. New title issued when repaired will be branded "This vehicle is a rebuilt Salvage-WI Inspection passed." "Titled in WI as Claim Paid" is used if vehicle is less than 7 years old, damaged to the extent that the cost of repairing exceeds 30% and is transferred to insurance company is not a salvage vehicle and will be branded in Montana as "rebuilt title."

Snowmobile Requirements: Not titled. Registration required by Dept of Natural Resources.

Vessel Requirements: Any boat 16-feet and over must be titled and registered, by the Dept of Natural Resources. However the following vessels are exempt from registration: Any non-motorized boat which is not a sail boat or non-motorized sailboat 12-feet or less in length, federal documented vessels (i.e. commercial fishing boats) and boats covered by a valid certificate from another state or federal government when used in Wisconsin no more than 60 consecutive days.

Wyoming

Note: This information is advisory only and may not reflect the state's current practices. Contact this state directly for up-to-date requirements.

Documents Requiring Notarization:

Yes	Affidavit of Repossession	N/A	Right of Survivorship
Yes	Affidavits, all other	N/A	Salvage bill of sale
Yes	Bill of sale	N/A	Salvage certificate
Yes	Dealer reassignment	Yes	Statements
Yes	Inspection form	Yes *	Title
Yes	Lien release (generic)	Yes	Power of Attorney
Yes	Manufacturer's Certificate of Origin		

* A separate "Warranty and Notarization Statement" may be used in lieu of notarizing on the title

Seal Requirements: Embosser **and** ink stamp

Signatures Required: Plural ownership requires all signatures.

Effective Year of Title Law: 1935

Trailer Requirements:

Title: All vehicles used on the highways except trailers with an unladen weight of 1,000 pounds or less.

Registration: All vehicles used on the highways.

ATV/OHV Requirements: Title and registration optional if used on private lands. Required if used on public lands; only 4-wheelers may be registered and operated on streets and highways.

Moped Requirements: No title or registration required.

Slide in Camper Requirements: No title or registration is required for the camper. Wyoming does not issue titles for slide-in campers, the camper is an attachment to the pickup. When a license plate is issued for the truck it goes to both the pickup and camper.

Salvage: WY title issued with “Salvage” branded across the top. New title issued when repaired will be branded “Rebuilt” across the front. Effective 2002.

Snowmobile Requirements: Not titled. Registration required by the Wyoming Department of State Parks and Cultural Resources.

Vessel Requirements: Not titled, registration required for motorized watercraft five (5) horsepower or greater.

Appendix C - Glossary

Abstract A manual record containing all of the paperwork documenting the complete history of a vehicle.

Affidavit A statement by an individual attesting to the truth and/or validity of a given statement which is witnessed and signed by a notary public.

Agent A person who is empowered to act on behalf of another.

Agister's Lien Also known as a mechanic's lien, an involuntary lien filed against the vehicle where outstanding storage fees or fees for services are due. An Agister's lien is effective only as long as the Agister has possession of the vehicle. If a lienholder has a properly perfected lien on the vehicle, an Agister's lien would not have priority over the perfected lien unless the Agister gives notice to the lienholder within 30 days of acquiring the vehicle. The lienholder then has the opportunity to satisfy the Agister lien and take possession of the vehicle. If not paid, the Agister can then file an affidavit with the sheriff and the sheriff can proceed to sell the vehicle at the sheriff's sale.

An Agister lien can be filed at the TRB against the record of the vehicle and the $8 lien fee must be paid. However, the lien will not appear on the title and if the title comes in for transfer to another owner, the lien will not follow to the new owner. Agister liens appear as "stops" on the record and a call to the TRB will confirm that there is an Agister lien. There is no legal advantage for filing the Agister lien with the TRB, except as a means of public notice. Because Agister liens depend up on possession, once possession is lost, the lien is lost. Once the lien is lost, the Agister must go to court and seek a judgment as filing, the lien only serves as notice that someone has a claim against the vehicle.

AKA (Also Known As) Refers to a person who uses different or dissimilar names.

Amateur Radio Plates Registration Plates issued upon request to holder of a Federal Communications Commission (FCC) license, reflecting the FCC call letters.

Amateur Radio Operator Plate Available to a vehicle owner who holds an un-revoked and unexpired official amateur radio station license and operator's license. Additional one-time fee: $5.

Antique Vehicle A motor vehicle more than 30 years old and used solely as a collector's item and not for general transportation purposes.

Application for Vehicle Title A standardized form used to request a title.

Apportioned Vehicle A vehicle that is regularly operated in several states and is registered with the Motor Carriers Service Division to obtain authority to operate in other states with which Montana has reciprocal agreements.

Assignment The first space on the Montana Certificate of Title, used to indicate the transfer of ownership of a vehicle from seller to buyer.

Authorized Agent (a) A person who has executed a written agreement with the Department and is specifically authorized by the Department to electronically access and update the Department's motor vehicle titling, registration, or driver records, using an approved automated interface, for specific functions or purposes upon behalf of a third party.

For purposes of subsection (a), person means and individual, corporation, partnership, limited partnership, limited liability company, association, joint venture, state agency, local government unit, another state government, the United States, a political subdivision of this or another state, or any other legal or commercial entity.

Authorized agent agreement The written agreement executed between an authorized agent and the Department that sets the technical and operational program standards, compliance criteria, payment options, and service expectations by which the authorized agent must operate in

performing specific motor vehicle or driver-related record functions.

ATV (All-Terrain Vehicle) A vehicle designed primarily for use off the roads, streets or highways.

Bicycle **MCA 61-8-102** Bicycles are not titled or registered in Montana.

Bill of Sale A notarized written statement certifying that the ownership of property has been transferred by sale.

Boat Number The "MT" number placed on both sides of the forward part of the hull.

Body Style: A description of the exterior construction of a vehicle (i.e., two-door, hatchback, four-door sedan, station wagon, pickup, box, van trailer, etc. Same as "Body Type."

Body Type see Body Style.

Bond A condition for issuing a Certificate of Title without standard ownership documents.

Bonded Title A certificate of ownership (title) that is produced by the Title and Registration Bureau when a person cannot properly execute title to affect a proper transfer of ownership. Bond is purchased for a period of three years to insure claims or damages brought about by a previous owner. Required when proper transfer of ownership documents are not available for vehicles valued at more than $500 by the surety company.

Branded Title A certificate of ownership marked on the face in a manner to indicate the status of the certificate or denotes a special condition or description of the vehicle. Examples: BONDED, JUNKED, REBUILT SALVAGE, FLOOD DAMAGE, RECONSTRUCTED VEHICLE, UNRECOVERED THEFT, RECOVERED THEFT, TITLE REBUILT.

Broker A person, other than a dealer engaged in the business of offering to procure or procuring motor vehicles or who holds himself out through solicitation, advertisement, or otherwise as one who offers to procure or procures motor vehicles by negotiating purchases, contracts, sales, or exchanges, and who does not store, display, or take ownership of any vehicles for the purpose of selling vehicles.

Bus Every motor vehicle designed for carrying more than 10 passengers and used for the transportation of persons and any other motor vehicle, other than a taxicab, designed and used for the transportation of persons for compensation.

Calendar Year 1-1-XX to 12-31-XX, also often expressed as 01/01/XXXX to 12/31/XXXX

Camper A structure designed to be mounted in the cargo area of a truck or attached to an incomplete vehicle for the purpose of providing shelter for persons. The term includes but is not limited to a cab-over, half cab-over, non-cab-over, telescopic, and telescopic cab-over. This term does not include a truck canopy cover or topper.

CC Cubic Centimeters; the volume displacement of an engine (used primarily for motorcycles).

Certificate of Origin See Manufacturer Certificate of Origin.

Certificate of Title The paper record issued by the Department or by the appropriate agency of another jurisdiction that establishes a verifiable record of ownership between an identified person or persons and the motor vehicle specifically described in the record and that provides notice of a perfected security interest in the motor vehicle.

Chassis Every frame or supportive element of a vehicle whether or not a manufacturer's identification numbers are present.

Chattel Mortgage (definition under Development).

Collateral Lien The addition of a lien to a title with no transfer of ownership. The title is reissued showing the new lien. Liens covering personal property where there is no transfer of ownership.

Collector Plate A specialty plate available for a vehicle that is more than 30 years old and is used solely as a collector's item, rather than for general transportation. Additional one-time fee: $5 for vehicles weighing 2,850 pounds or less, and $10 for vehicles weighing more.

Collegiate License Plates Depict the name and a special logo for various public and private colleges in Montana. Both two-year and four-year colleges participate in the program. Additional annual fee: $20, which goes to a scholarship fund at the selected school.

Commercial Motor Vehicle A motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the vehicle:

- Has a gross vehicle combination weight rating or a gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit with a gross vehicle weight rating of more than 10,000 pounds
- Has a gross vehicle weight rating or a gross vehicle weight of 26,001 pounds or more, whichever is greater
- Is designed to transport at least 16 passengers, including the driver.
- Is a school bus; or
- Is of any size and is used in the transportation of hazardous material as defined in **MCA 61-8-801**.

The following vehicles are not commercial motor vehicles:

- Authorized emergency service vehicle:
  1. Equipped with audible and visual signals as required under MCA **61-9-401** and **61-9-402**; and
  2. Entitled to the exemptions granted under MCA **61-8-107**
- A vehicle:
  1. Controlled and operated by a farmer, family member of the farmer, or person employed by the farmer;
  2. Used to transport farm products, farm machinery, or farm supplies to or from the farm within 150 miles of the farm or, if there is a reciprocity agreement with a state adjoining Montana, within 150 miles of the farm.
  3. Not used to transport goods for compensation or for hire; or
- A vehicle operated for military purposes by active duty military personnel, a member of the military reserves, a member of the National Guard on active duty, including personnel on full-time National Guard duty, personnel in part-time National Guard training, and National Guard military technicians, or active duty United States coast guard personnel.

Conservator Person appointed by the court to handle affairs for an incompetent or other protected person.

Consignment An agreement between a dealer and a vehicle owner requesting the assistance of a dealer to negotiate the sale between vehicle owner and purchaser.

Conversion Kit Any series of materials used to alter the body style of a vehicle.

Corrected Title see Title Correction.

County where a vehicle is domiciled the county in which the vehicle owner permanently resides or, if a vehicle is owned by a corporation or is leased or used for commercial purposes, the county in which the vehicle is permanently assigned or most frequently used, dispatched, or controlled.

Certificate of Title (CT) Titled for the first time in Montana, either by a Manufacturer's Certificate of Ownership (MCO) or a foreign title.

Curbstoning A motor vehicle slang term to indicate a person or persons selling vehicles without a valid motor vehicle dealer license.

Custom Vehicle A motor vehicle (other than a motorcycle) that:

- was manufactured with a model year after 1948 and that is at least 25 years old; or
- was built to resemble a vehicle manufactured after 1948 and at least 25 years before the current calendar year, including a kit vehicle intended to resemble a vehicle manufactured after 1948 and that is at least 25 years old; and
- has been altered from the manufacturer's original design or has a body constructed from non-original materials.

DBA (Doing Business As) An individual or other entity doing business under another name.

Dealer A person, firm, association, or corporation that, for commission or profit, engages in whole or in part in the business of buying, selling, exchanging, accepting on consignment or acting as a broker, as defined in MCA **61-4-131**, of new or used motor vehicles, trailers, semi-trailers, or pole trailers that are not registered in the name of the person, firm, association, or corporation and that are required to be licensed under Chapter 4 of this title.

The term 'dealer' does not include the following:

- receivers, trustees, administrators, executors, guardians, or other persons appointed by or acting under a judgment or order of any court of competent jurisdiction;
- employees of persons included in above subsection when engaged in the specific performance of his/her duties as employee; or
- public officers while performing or in the operation of his/her duty.

Declared Weight The total unladen weight of a vehicle plus the weight of the maximum load to be carried on the vehicle as stated by the registrant in the application for registration

Deed of Full Reconveyance A document issued to the owner when mortgage is paid/satisfied. This document is generally used for real property. It is not acceptable by the TRB as a lien release.

Department The Department of Justice acting directly or through its duly authorized officers or agents.

De-Title To declare a manufactured home real property.

Disabled Veterans Plates Special license plates issued to disabled American veterans.

Documented Vessel A vessel that is documented for use by the government or for national security.

Dolly or Converter Gear a device consisting of one or two axles with a fifth wheel and trailer tongue used to support the forward end of a semi-trailer, converting a semi-trailer into a trailer. Not titled or licensed in Montana.

DOT Montana Department of Transportation.

Duplicate Plates 1) Two original applications showing the same plate number; 2) two sets of plates with the same plate number; or 3) a set of plates issued to two different individuals.

Electric personal assistive mobility device a device that has two non-tandem wheels, is self-balancing, and is designed to transport only one person with an electric propulsion system that limits the maximum speed of the device to 12 ½ miles an hour.

EPA The federal Environmental Protection Agency.

Estate Property distributed to heirs as decreed in a will, by right-of-survivorship or by a personal representative appointed by the court to dispose of a decedent's property.

Executor A person appointed by a testator to carry out the provisions and directions in his or her will.

Exempt Vehicle Any state or county vehicle granted an exemption to the requirement that every motor vehicle, trailer, semi trailer and pole trailer driven or moved along a highway shall be

subject to statutory registration and title provisions.

Farm Truck – Farm Trailer Plates Registration plates issued to a farmer for vehicles used exclusively in an agricultural, horticultural, or livestock operation (not-for-hire).

Fee Monies charged for various services, including titling, registration and other services.

FKA (Formerly Known As) Commonly used by lienholders (e.g., when one bank buys another).

Flag An indicator on the automated system showing the status of a vehicle record. If a transaction is taking place on a record, no additional transactions can be processed until the current transaction is completed.

Fleet One or more commercially owned motor vehicles.

Forced Lien Lienholder requests issuance of title so the lien is perfected. The vehicle is not registered and the title is held by the County Treasurer.

Foreign Title Any title issued by a state other than Montana or by another country.

FWP Montana Department of Fish, Wildlife and Parks.

Glider Kit A complete truck-tractor unit minus an engine.

Grey Market Vehicle A vehicle not originally manufactured for use in the United States and not in compliance with safety and emissions standards.

Gross Vehicle Weight The weight of a vehicle without load plus the weight of any load on the vehicle.

Guarantor One who pledges his/her vehicle as collateral for the debt of another.

Ham Radio Plates See Amateur Radio Plates.

Hearing Impaired A hearing disability is a disability resulting in the complete absence of hearing or hearing that with sound enhancing or magnifying equipment is so impaired as to require the use of sensory input other than hearing as a means of receiving spoken language.

HIN Hull Identification Number which is assigned by the manufacturer of a boat or by FWP if the boat is home constructed or missing a HIN.

Horsepower The taxable horsepower of a vehicle which is used to determine the registration fees of passenger vehicles; no longer a required field on title and/or registration applications.

House Trailer (see **Mobile Home**)

Probate Estate If the combined value of the vehicles exceeds $20,000 the property is subject to probate and a Personal Representative must be appointed by the District Court or in the case where a person dies and leaves a will in which an executor is named the executor must file for appointment with the Clerk of District Court.

Interstate Traveling between two or more states.

In-Transit Permit A registration permit for one trip for vehicles in transit by the drive-away or tow-away method, operated by a transporter.

Intrastate Traveling between places in the same state, including movement into or through another state before delivery is made within this state.

Involuntary Transfer Any situation where the registered owner does not voluntarily release his/her interest in a vehicle/vessel. This includes bonded titles, repossessions, court orders, sheriff sales, estates etc.

IRP The abbreviation for the "International Registration Plan," a registration reciprocity compact among states of the United States and provinces of Canada that provides for payment of license fees on the basis of the fleet miles operated in various jurisdictions.

Joint Tenancy The ownership of a vehicle by two or more individuals.

Joint Tenants and JTROS (Joint Tenants With Right of Survivorship) These terms are one and the same and mean that title passes to the surviving co-owner upon the death of one of the owners shown on the face of the title and not to an heir of the deceased.

Judgment A creditor may obtain a judgment when money is owed to them. Attachment is made with writ of execution and notice of seizure. See Involuntary Liens

Junk Vehicle A discarded, ruined, wrecked, or dismantled motor vehicle, including component parts, which is not lawfully and validly licensed and remains inoperative or incapable of being driven.

Kit vehicle A motor vehicle assembled from a manufacturer kit, either as:

- A complete kit, consisting of a pre-fabricated body and chassis; to construct a new motor vehicle; or
- A kit with a pre-fabricated body to be mounted on an existing motor vehicle chassis and drive-train, commonly referred to as a donor vehicle.

Lease A written document giving exclusive possession, use, control and responsibility to the lessee during the periods the vehicle is operated by or for the lessee for a specific period of time.

Lease Agreement An agreement between a lessor and a lessee creating a right of possession and control of a vehicle from the lessor to the lessee for a specified period of time.

Leased Vehicle A vehicle that has its possession or right of possession transferred to a user for a valuable consideration for a period of one year or longer.

Lessee A person, firm or corporation that grants the legal right of possession and control of, and responsibility, for the operation or a vehicle owned by another under the terms of a lease agreement.

Lessor A person, firm or corporation who, under the terms of a lease, grants the legal right of possession and control of, and responsibility for the operation of the vehicle to another person, firm or corporation.

Letters Testamentary A legal document issued by the court giving an executor authority to dispose of the decedent's property.

Lien A financial interest (in a vehicle) belonging to someone other than the purchaser of the vehicle.

Lien Holder A person holding a security interest in a vehicle.

Lien Perfection Date The date that the lien notice and the certificate of ownership or manufacturer's statement of origin are delivered to the County Treasurer.

Lien Release A document used to release liens; also, "Release of Security Interest," the termination of a security interest executed by an authorized lienholder and delivery of the Certificate of Title to the owner or second lienholder.

Light Vehicle a motor vehicle commonly referred to as an automobile, van, sport utility vehicle, or truck having a manufacturer's rated capacity of one-ton or less.

Make An identifying term referring to a specific manufacturer of a vehicle (e.g., Ford, Porsche, Dodge, etc.).

Manufactured Home A residential dwelling built in a factory in accordance with the United State Department of Housing and Urban Development code and the federal Manufactured Home Construction and Safety Standards.

This does not include a mobile home, as defined in MCA **15-1-101**, or a mobile home or house trailer constructed before the federal Manufactured Home Construction and Safety Standards went into effect on June 15, 1976.

Manufacturer Includes any person, firm, corporation, or association engaged in the manufacture of motor vehicles, trailers, or semi-trailers as a regular business.

Manufacturer Certificate of Origin (MCO) The "Birth Certificate" of a motor vehicle manufactured

for U.S. consumption. By the fact that the vehicle has an MCO indicates that it has never been titled and is therefore considered a new vehicle *(see also: MCO/MSO).*

Manufacturer License Plates A resident of Montana, who is an employee of a motor vehicle manufacturer licensed under MCA 61-4-202 and whose responsibility includes coordinating and promoting sales efforts with the manufacturing dealers, may display manufacturer's license plates on a vehicle used solely for business purposes.

MCA Montana Code Annotated, the laws of Montana.

MCO/MSO Manufacturer Certificate of Origin/Manufacturer Statement of Origin; a document issued by the manufacturer for a new vehicle.

Military Plates These special plates are available in a variety of styles to reflect an individual's military experience. The plates are issued for National Guard members, reservists, military veterans, disabled veterans, former prisoners of war, survivors of the Pearl Harbor attack, persons with disabilities, and veterans who were awarded the Purple Heart. Additional annual fee for Purple Heart and certain veteran plates is $10.

Mobile Home or house trailer has the meaning provided in **MCA 15-1-101.**

Model A term designated by a vehicle manufacturer to identify a specific line of vehicles produced by that manufacturer (e.g., Mustang, Taurus, Malibu, etc.).

Moped A vehicle equipped with two or three wheels, foot pedals to permit muscular propulsion and an independent power source with an engine not to exceed 50 cc's. The vehicle may not exceed 30 miles per hour and the power drive system must not require clutching or shifting. May be pedaled or power driven. Defined in the statute as a bicycle.

Motorcycle A motor vehicle having not more than three wheels in contact with the ground and a saddle on which the operator sits or a platform on which the operator stands and a driving wheel in contact with the ground in addition to the wheels of the vehicle itself. A motorcycle may carry one or more attachments and a seat for the conveyance of a passenger.

The term does not include a tractor, a bicycle as defined in MCA **61-8-102**, a motorized nonstandard vehicle, or a two or three-wheeled all-terrain vehicle that is used exclusively on private property.

Motor Driven Cycle A motorcycle, including a motor scooter, with a motor that produces 5 horsepower or less. The term does not include a bicycle as defined in MCA **61-8-102** or a motorized nonstandard vehicle.

Motor home A motor vehicle:

- Designed to provide temporary living quarters, built as an integral part of or permanently attached to a self-propelled motor vehicle chassis or van;
- Containing permanently installed independent life support systems that meet the ANSIA/A119.2 standards of:
    - a properly working carbon monoxide detector, in case of a propane gas leak or a pilot light goes out at night and emits raw propane gas;
    - a properly working smoke detector. Many upholstery components are deadly when they burn or ignite;
    - 12 volt power plus battery backup;
    - at least two exits. The main door qualifies as one, but there should be a back door, roof exit or glass window CLEARLY MARKED EMERGENCY EXIT opposite side of the primary entry/exit. (in case of a rollover) The placement of a hammer or one of those punches that break tempered glass is allowable. This tool should be chained near the window and be readily accessible; and
- Providing at least four of the following types of facilities:
    1. Cooking, refrigeration, or icebox;

2. Self-contained toilet;
3. Heating or air conditioning or both;
4. Potable water supply, including a faucet and sink; or; e. separate 110-volt or 125-volt electrical power supply or a liquefied petroleum gas supply; or both.

Motorized non-standard vehicle A vehicle:

- Upon or by which a person may be transported, that:
  1. Is propelled by its own power, using an internal combustion engine or an electric motor;
  2. Has a wheelbase of less than 40-inches and a wheel diameter of less than 10-inches; and
  3. Does not display a manufacture's certification in accordance with 49 CFR, part 567, or have a 17 character vehicle identification number assigned by the manufacturer in accordance with 49 CFR, part 565.
- Includes, but is not limited to, a motorized skateboard and a vehicle commonly known as a "pocket rocket."
- Does not include an electric personal assistive mobility device or a motorized wheelchair or other low-powered, mechanically propelled vehicles designed for use by a physically disabled person.

Motor Vehicle A vehicle propelled by its own power and designed or used to transport persons or property upon the highways of the state. The term does not include a bicycle as defined in MCA **61-8-102** or a motorized wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

Motor Vehicle Use Tax (Sales between individuals) A tax on the sale of cars, trucks, motorcycles, vans, and motor homes between individuals or on vehicles purchased outside of Montana.

Multiple Owners The ownership of a vehicle and/or registration by two or more persons.

Mutilated Title A title that has erasures, alterations, correction fluid, missing information because title is torn or marked-out information on the face or assignment section of the document.

NADA National Automobile Dealers Association.

NADA Guide A guide published by NADA on values of vehicles for trade-in, loan, and retail.

NATB National Automobile Theft Bureau.

NATB Manual A manual prepared by NATB which describes the symbols of vehicle identification number systems.

NCIC National Crime Information Center.

New Motor Vehicle Is "a motor vehicle, regardless of mileage of the vehicle, the legal or equitable title to which has never been transferred by a manufacturer, distributor or dealer to another person as the result of a retail sale."

NHTSA National Highway Traffic Safety Administration (of the United States Department of Transportation) Federal regulatory authority over TIMA, vehicle identification numbers (VINs), crash testing, air bags, safety devices, etc.

NICB National Insurance Crime Bureau.

NMR National Marketing Reports.

Non-Secure Power of Attorney Form Also called a generic POA, this form is on plain paper, and may be used when odometer disclosure requirements under TIMA do not restrict its use.

Not Used for General Transportation purposes The operation of a motor vehicle, registered as a collector's item, a custom vehicle, or a street rod, to or from a car club activity, event, exhibit, show, cruise night, parade or other occasional transportation activity. This does not include operation of a motor vehicle for routine or ordinary household maintenance, employment, education, or other similar purposes.

Odometer Certification A statement by a seller of a vehicle affirming the vehicle odometer reading and indicating whether the reading is actual, not actual, or exceeds mechanical limits. This certification requires the buyer's signature as verification that s/he is aware of, and in agreement with, the odometer certification.

Odometer Reading The number of miles traveled by a vehicle as indicated by its odometer.

Off-Highway Vehicle A self-propelled vehicle used for recreation or cross-country travel on public lands, trails, easements, lakes, rivers, or streams. The term includes but is not limited to motorcycles, quadricycles, dune buggies, amphibious vehicles, air cushion vehicles, and any other means of land transportation deriving motive power from any source other than muscle or wind.

This term does not include: 1) vehicles designed primarily for travel on, over, or in the water, 2) snowmobiles; or 3) vehicles otherwise issued a certificate of title and registered under the laws of the state, unless the vehicle is used for off-road recreation on public lands.

One-Trip Permit A temporary permit issued by this jurisdiction in lieu of legal registration or reciprocity for a single passage through the state of Montana.

Online Used in reference to a county' connection to the State of Montana data communications network, indicating a county is linked directly to the state motor vehicle system.

Operator A person who is in actual physical control of a motor vehicle.

Owner A person who holds the legal title to a vehicle. If a vehicle is the subject of an agreement for the conditional sale thereof with the right of purchase upon performance of the conditions stated in the agreement and with an immediate right of possession vested in the conditional vendee, or in the event a vehicle is subject to a lease, contract, or other legal arrangement vesting right of possession or control, for security or otherwise, to in the event a mortgagor of a vehicle is entitled to possession, then the owner is the person to whom is vested right of possession or control.

Perfection A legal term referring to security interests and the act of filing a lienholder's claim against personal property; also, an interest in a vehicle reserved or created by agreement which secures payment or performance of an obligation. A security interest in a vehicle is "perfected" when it is recorded on a certificate of title record within the unique MVD computer system. See also Lien Perfection descriptions.

Person an individual, corporation, partnership, association, firm or other legal entity.

Personalized Plates License plates bearing some unique combination of vehicle-owner-determined letters and numbers and requiring an additional fee.

Persons with Disabilities A natural person who, as determined by a licensed physician: 1) cannot walk without use of, or assistance from, a brace, cane, crutch, another person, prosthetic device, wheelchair, or other assisted device; 2) is restricted by lung disease to such an extent that his or her forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than 60 mm/hg on room air at rest; 3) uses portable oxygen; 4) has a cardiac condition to the extent that the person's functional limitations are classified in severity as Class III or Class IV, according to standards set by the American Heart Association; 5) is severely limited in the person's ability to walk due to an arthritic, neurological, or orthopedic condition; or 6) cannot walk 200 feet without stopping to rest because of one of the above conditions.

Pole Trailer Every vehicle without power designed to be drawn by another vehicle and attached to the towing vehicle by means of a reach or pole or by being boomed or otherwise secured to the

towing vehicle and ordinarily used for transporting long or irregularly shaped loads such as poles, pipes, or structural members capable generally of sustaining themselves as beams between the supporting connections.

Polk Manual A compendium of all title a registration requirements for all states, Canadian provinces, and U.S. territories.

Power of Attorney A legal document giving an individual authority to sign documents on behalf of another person.

Principle A person who gives authority to another to act for or represent him or her.

Probate The process of settling the estate of a deceased person through the court.

Pro-Rated See APPORTIONED.

Purged The removal or destruction of vehicle records usually maintained by the Motor Vehicle Division.

Purple Heart Plates Special license plates issued to recipients of the Purple Heart awarded by a branch of the Armed Forces of the United States.

Quadricycle A four-wheeled motor vehicle, designed for on-road or off-road use, having a seat or saddle upon which the operator sits and a motor capable of producing not more that 50-horsepower. The term does not include golf carts (golf carts are not registered or titled).

Reassignment of Title An area on the back of a title used only by dealers to transfer ownership of a vehicle.

Rebuilder A person in the business of returning a vehicle, for which a salvage title has been previously issued, to its original or operating condition.

Rebuilt Brand An identifying notation on a title record for a vehicle that has been issued a salvage certificate ~~title~~ due to a total loss insurance claim or other reasons and then repaired to operate on the roads again.

Rebuilt Vehicle A vehicle that has been reconstructed using component parts from two or more vehicles.

Reconstructed Every vehicle of a type required to be registered which was materially altered from its original construction by the removal, addition, or substitution of essential parts, new/ used.

Recreational Vehicle Includes self-propelled vehicles originally designed or permanently altered to provide temporary facilities for recreation, travel, and camping use.

Referee in Bankruptcy A person to whom a bankruptcy pending in court is referred by the court, to take testimony, hear parties and report thereon to the court.

Registration or register The act or process of creating an electronic record, maintained by the Department, of the assignment of a license plate or a set of license plates to and the issuance of a registration decal for a specific vehicle, the ownership of which has been established or is presumed in department records.

Registration decal An adhesive sticker produced by the Department and issued by the Department, its authorized agent, or a county treasurer to the owner of a motor vehicle, trailer, semi-trailer, or pole trailer as proof of payment of all fees imposed for the registration period indicated on the sticker as recorded by the Department under MCA 61-3-101.

Registration receipt A paper record that is produced and issued or, if authorized by the Department, an electronic record that is transmitted by the Department, its authorized agent, or a county treasurer to the owner of a vehicle that identifies a vehicle, based on information maintained in the electronic record of a title for the vehicle, and that provides evidence of the payment of all fees required to be paid for the registration of the vehicle for the registration period indicated in the receipt.

Release of Interest The process of relinquishing legal rights to registration or title.

Release of Security Interest The termination of a security interest executed by an authorized lienholder.

Renewal The re-registration of a vehicle which was registered in the previous registration year.

Renewal Sticker A colored, number sticker to be attached to the rear plate that will renew the registration and plates for a predetermined period.

Replacement Plates An application to secure replacements for registration plates that have been lost, stolen, or mutilated.

Replacement Title A title issued to replace an original that was lost, stolen or mutilated. The replacement title voids out the original, should it be located.

Replica Kit A new body manufactured to resemble an early classic vehicle such as a 1929 Mercedes roadster.

Repo Repossession of a vehicle.

Repossession The legal process of obtaining the ownership of a vehicle by a person or firm holding a security interest in the vehicle.

Repossessor A financial institution, lending institution or persons engaged in the business of repossessing motor vehicles for others in situation where the motor vehicle has been used as a security.

Reserve The computer reservation of a license plate logo for 30 days until title and registration is applied for in the applicant's name.

Resident A resident would be registered to vote in Montana and file Montana income tax. Having a Montana driver license is not sufficient to verify residence.

Retail Installment Contract An agreement between the seller (dealer) and the purchaser of a vehicle which contains the terms and conditions of the sale and provides for the financing of the agreed sale price. The contract may be assigned to a financial institution.

Retail Sale The sale of a new motor vehicle or used motor vehicle, a recreational vehicle, a trailer, a travel trailer, a motorcycle, a quadricycle, or special mobile equipment by a dealer to a person for purposes other than resale.

Revocation of Lien If a vehicle sale is cancelled and the lien has been perfected, the lender must withdraw or cancel their lien against the vehicle.

RPO Registration Purposes Only, no Montana title issued. Issued to out-of-state residents who are temporarily employed in Montana.

SA (Security Agreement) A loan agreement between a financial institution and a debtor. The funds advanced may be for the purpose of financing a vehicle already owned by the debtor or to purchase a vehicle.

Salvage Certificate Means a certificate of ownership issued by the Department for a salvage vehicle that may be used to re-title the vehicle.

Salvage Vehicle A vehicle damaged by collision, fire, flood, accident, trespass, or other occurrence to the extent that the owner, an insurance company, or other person acting on behalf of the owner determines that the cost of parts and labor makes it uneconomical to repair the vehicle.

Secure Power of Attorney Form Refers to the type of paper and the format on the form. "Secure" means that the document is printed on counterfeit/alteration resistant paper similar to that used for printing money, titles, etc. The secure POA was mandated by the Truth and Mileage Act (TIMA) to prevent fraudulent disclosures when a person is given the right to act on another person's behalf. The use of any POA to disclose mileage on vehicles qualifying under TIMA is strictly prohibited, except when a replacement title is sought, or when the title is physically held by a lienholder.

Security Interest *see Lien MCA 61-3-103*

Semi trailer or Semi-trailer A vehicle, with or without motive power (other than a pole trailer), designed for carrying property and for being drawn by a motor vehicle and so constructed that some part of its weight and that of its load rests upon or is carried by another vehicle.

Show Lien A pre-existing lien on a Montana title that is being transferred to another person without the consent of the lienholder.

Specially constructed vehicle A motor vehicle, including a motorcycle, that:

- Was not originally constructed under a distinctive make, model or type by a generally recognized manufacturer of motor vehicles;
- Has been structurally modified so it doesn't have the same appearance as similar vehicles from a generally recognized manufacturer of motor vehicles;
- Has been constructed or assembled entirely from custom-built parts and materials not obtained from other vehicles;
- Has been constructed or assembled by using major component parts from one or more manufactured vehicles and cannot be identified as a specific make or model;
- Has been constructed by the use of a kit that cannot be visually identified as a specific make or model.
- Does not include a motor vehicle that has been repaired or restored to its original design by replacing parts

Special Mobile Equipment A vehicle not designed for the transportation of persons or property on the highways, but incidentally operated or moved over the highways, including road construction or maintenance machinery, ditch-digging apparatus and well-boring apparatus. The fact that equipment is permanently attached to a vehicle does not make the vehicle special mobile equipment. The enumeration in this subsection is partial and does not exclude other vehicles that are within the general terms of this subsection.

Special Mobile Equipment Decal Available for anyone who owns, leases or rents special mobile equipment that must occasionally be moved on the highways. Additional annual fee: $5.

Sport Utility vehicle A light vehicle designed to transport 10 or fewer persons that is constructed on a truck chassis or that has special features for occasional off-road use. The term does not include trucks having a manufacturer's rated capacity of 1 ton or less.

State Automated Counties linked directly into the state motor vehicle file, also referred to as online.

Stop A notice to stop any further transactions involving the records of a vehicle

Street Rod A motor vehicle (other than a motorcycle), that

- Was manufactured prior to 1949 or was built to resemble a vehicle manufactured before 1949, including a kit vehicle intended to resemble a vehicle manufactured before 1949; and
- Has been altered from the manufacturer's original design or has a body constructed from non-original materials.

Surrendered Notice from a foreign state that a Montana title was surrendered to issue that state's title.

TC Title Correction, a certificate of title on which information from a prior title has been added, deleted, or changed (i.e., year, model, make, body style, VIN, address, name, etc.).

Temporary Permit A permit issued to vehicle purchaser to allow them to operate a newly purchased vehicle from the place of sale in Montana to his/her destination.

Tenants in Common If there is 2 or more owners shown on the face of the title and "tenants in common" is listed on the title this means that they hold equal shares. Upon the death of one of these owners, his/her interest passes to his/her legal heirs or as directed in a Last Will and

Testament.

Title Correction a Certificate of Title on which information from a prior title has been added, deleted, or changed (i.e., year model, make, body style, VIN, address, name, etc.).

TO Title Only.

Owner-retained Total Loss Vehicle A vehicle determined to be salvage by an insurer that will be retained by the owner.

Tow Truck A truck designed or altered and equipped for and used to push, tow, or draw vehicles by means of a crane, hoist, tow bar, towline, or auxiliary axle, or to render assistance to disabled vehicles.

Trailer A vehicle with or without motive power (other than a pole trailer), designed for carrying property and for being drawn by a motor vehicle and constructed so that no part of its weight rests upon the towing vehicle. The term does not include a mobile home or manufactured home as defined in MCA 15-1-101.

Trailer Dealer Any person, firm, or corporation engaged in whole or in part in the business of buying or selling trailers or semi-trailers, with facilities for displaying one or more trailers or semi trailers.

Transaction summary receipt an electronic record produced and issued by the Department, its authorized agent, or a County Treasurer for which a paper receipt is issued. The record may be created by the Department and transmitted to the owner of a vehicle, a secured party, or a lienholder. The record must contain a unique transaction record number and summarize and verify the electronic filing of the transaction described in the receipt on the electronic record of title maintained under MCA 61-3-101.

Transfer Montana title being issued to a new owner.

Transfer of Equity An agreement wherein a purchaser of a vehicle assumes the financial obligation of the previous owner.

Travel-Trailer a trailer that is:

- 40-feet or less in length;
- Is of a size or weight that does not require special permits when towed by a motor vehicle;
- With a gross trailer area of less than 320 square feet; and
- That is designed to provide temporary facilities for recreational, travel, or camping use and not used as a principle residence.

TRB The Title and Registration Bureau of the Department of Justice, Motor Vehicle Division. Located in Deer Lodge.

Truck or motor-truck A motor vehicle designed, used, or maintained primarily for the transportation of property.

Truck Tractor A motor vehicle designed and used primarily for drawing other vehicles and not constructed to carry a load other than a part of the vehicle and load drawn.

Trustee (generally) A person who is entrusted with the management and control of another's property and estate.

Trustee in Bankruptcy An agent of the court authorized to liquidate the assets of the bankrupt, protect them and bring them to the court for final distribution for the benefit of the bankrupt and all the creditors.

Undeliverable The return of any documents not deliverable by the U.S. Postal Service.

Use Tax The tax imposed on the privilege of using, in Montana, motor vehicles and trailers acquired by purchase.

Used Motor Vehicle Includes any motor vehicle that has been sold, bargained, exchanged, given away, or had its title transferred from the person who first took title to it from the manufacturer, importer, dealer or wholesaler, or agent of the manufacturer or importer, and has been used so as to have become what is commonly known as 'second hand' within the ordinary meaning of that term.

Van A motor vehicle designed for the transportation of at least six persons and not more than nine persons and intended for but not limited to family or personal transportation without compensation.

Vanity Plates See personalized plates.

Vehicle A device in, upon, or by which any person or property may be transported or drawn upon a public highway, except devices moved by animal power or used exclusively upon stationary rails or tracks. The term does not include a manually or mechanically propelled wheelchair or other low-powered, mechanically propelled vehicle that is designed specifically for use by a physically disabled person and that is used as a means of mobility for that person.

Vehicle Identification Number (VIN) The number, letters or combination of number and letters assigned by the manufacturer, by the Department, or in accordance with the laws of another state or country for the purpose of identifying the motor vehicle or a component part of the motor vehicle.

Vehicle Search The process of locating a vehicle owner based on license plate number.

Vessel (See Vessels Definitions).

VIN See Vehicle Identification Number.

Wholesaler A person, firm, partnership, association, or corporation that for a commission or with intent to make a profit or gain of money or other thing of value sells, exchanges, or attempts to negotiate a sale or exchange of an interest in a used motor vehicle, recreational vehicle, trailer, semi trailer, pole trailer, special mobile equipment, motorcycle, or quadricycle only to vehicle dealers and auto auctions licensed under Chapter 4, part 1.

Appendix D - Fees

NOTE:

Due to extensive variables in vehicle transactions, listed fees are not comprehensive.

Consult your local County Treasurer or the Title and Registration Bureau for the exact amount needed for your transaction.

Dealer, Franchised, RV, Used

Application fee	30.00
First set of dealer plates	35.00
Additional dealer plates (each set)	35.00
Demonstrator plates (each plate)	15.00
Additional ID Cards (if selling powersports)	2.00

Dealer, Wholesale

Application fee	30.00
Demonstrator plates (each plate)	15.00
Additional ID Cards (if selling powersports)	2.00

Dealer, Auto Auction

Application fee	500.00
Demonstrator plates (each plate)	15.00
Additional ID Cards (if selling powersports)	2.00

Dealer, Broker

Application fee	30.00

Dealer, New or Manufactured Home

Application fee	50.00

Information Disclosure

Record search (each vehicle)	6.00
Record title or odometer history request (last 6 years)	25.00

License Plates, Amateur Radio Operator

Plates	5.00
Transfer of plates	None
Renewal of plates	None

License Plates, Collector

Original application	30.00
Renewal of plates	None

License Plates, Collegiate

Annual Fee (to college scholarship fund)	30.00

License Plates, Military

Annual Fee (Some plate designs)	10.00
Renewal or Transfer Fee	10.00

License Plates, Organization Specialty

One-time fee to county treasurer	15.00

License Plates, Personalized

Original application	35.00
Transfer of plates	10.00
Renewal of plates	10.00

License Plates, Pioneer and Vintage

Original application (2,850 pounds or less)	20.00
Original application (more than 2,850 pounds)	25.00
Renewal of plates	None
Snowmobile	15.00

Decal Issued, Special Mobile Equipment

Annual Fee	5.00

Miscellaneous

Bonded titles-see Motor Vehicles 10.00 or 12.00 depending on weight	
State assigned vehicle identification number	8.00
Sample plates (mailed within U.S.)	12.00

Motor Vehicles

Original and transfer title –light vehicle, truck or bus weighing 1 ton or less	12.00
Original and transfer title-light vehicle, truck or bus weighing more than 1 ton	10.00
Replacement title	10.00
Lien filing	8.00
Duplicate registration	2.00
Duplicate plates and/or decals	5.00

Off-Highway Vehicles

Original and transfer title	10.00
Replacement title	10.00
Lien filing	8.00
Duplicate decal	5.00
Registration fee	9.00
OH Extra	2.00

Salvage Vehicles

Salvage Certificate	5.00
Stage 2 & 3 Inspection	18.50

Snowmobiles

Original and transfer title	10.00
Replacement title	10.00
Lien filing	8.00
Registration	6.50
Duplicate decal	1.00

Vessel (Boats)

Original and transfer title	10.00
Replacement title	10.00
Lien filing	8.00
Boat Registration fee	3.50

Appendix E – Hot Key Functions

Adobe Acrobat Reader contains powerful features that help you to perform common tasks.

First, you can use your mouse to learn about what your Adobe icons mean and what they can do for you. To reveal the function that picture icons provide, move the desktop mouse *slowly* over each icon toward the top and bottom of your Adobe Reader window. A small box will briefly appear with a short description of each icon function. Over time, you may use some of the icons frequently while others you may choose to not use at all.

Second, take some time to review each of the drop-down menu options near the top of your Adobe Reader window. That will help you to learn how to find and launch the same functions supported by the icons.

A third way to launch Adobe Reader functions is by using "Hot keys." Hot keys are a popular alternative to using the Adobe icon buttons to perform a task. Hot keys are keyboard letter, number and function key combinations that allow you to quickly perform common tasks without having to pick up your mouse.

The following lists provide many of the hot key functions you may want to "teach your fingers" to use when performing common tasks.

Hot Keys	Function/Action
Ctrl+F1	None
Ctrl+F2	None
Ctrl+F3	None
Ctrl+F4	Close PDF file being viewed.
Ctrl+F5	None
Ctrl+F6	None
Ctrl+F7	None
Ctrl+F8	None
Ctrl+F9	None
Ctrl+F10	None
Ctrl+F11	None
Ctrl+F12	None

Hot Keys	Function/Action
Ctrl+1	Adjust size of viewing window.
Ctrl+2	Adjust size of viewing window.
Ctrl+3	Adjust size of viewing window.
Ctrl+4	Close PDF file being viewed.
Ctrl+5	None
Ctrl+6	None
Ctrl+7	None
Ctrl+8	None
Ctrl+9	None
Ctrl+0	Adjust size of viewing window.

Hot Keys	Function/Action
Ctrl+Shift+F1	None
Ctrl+Shift+F2	None
Ctrl+Shift+F3	None
Ctrl+Shift+F4	Close PDF file being viewed.
Ctrl+Shift+F5	None
Ctrl+Shift+F6	None
Ctrl+Shift+F7	None
Ctrl+Shift+F8	None
Ctrl+Shift+F9	None
Ctrl+Shift+F10	Display navigation option window.
Ctrl+Shift+F11	None
Ctrl+Shift+F12	None

Hot Keys	Function/Action
Ctrl+Shift+1	None
Ctrl+Shift+2	None
Ctrl+Shift+3	None
Ctrl+Shift+4	None
Ctrl+Shift+5	None
Ctrl+Shift+6	None
Ctrl+Shift+7	None
Ctrl+Shift+8	None
Ctrl+Shift+9	None
Ctrl+Shift+0	Display navigation option window.

Hot Keys	Function/Action
Alt+F1	None
Alt+F2	None
Alt+F3	None
Alt+F4	Close PDF file and Reader.

Hot Keys	Function/Action
Alt+1	None
Alt+2	None
Alt+3	None
Alt+4	None

Hot Keys	Function/Action
Alt+F5	None
Alt+F6	None
Alt+F7	None
Alt+F8	None
Alt+F9	None
Alt+F10	None
Alt+F11	None
Alt+F12	None

Hot Keys	Function/Action
Alt+5	None
Alt+6	None
Alt+7	None
Alt+8	None
Alt+9	None
Alt+0	None

Hot Keys	Function/Action
Shift+F1	None
Shift+F2	None
Shift+F3	Reduce the PDF file viewing size.
Shift+F4	None
Shift+F5	Reduce the PDF file viewing size.
Shift+F6	None
Shift+F7	None
Shift+F8	None
Shift+F9	None
Shift+F10	Display navigation option window.
Shift+F11	None
Shift+F12	Open two (split) display windows.

Hot Keys	Function/Action
Shift+1	None
Shift+2	None
Shift+3	None
Shift+4	None
Shift+5	None
Shift+6	None
Shift+7	None
Shift+8	None
Shift+9	None
Shift+0	None

Hot Keys	Function/Action
Alt+Shift+F1	None
Alt+Shift+F2	None
Alt+Shift+F3	None
Alt+Shift+F4	Close PDF file and Reader.
Alt+Shift+F5	None
Alt+Shift+F6	None
Alt+Shift+F7	None
Alt+Shift+F8	None
Alt+Shift+F9	None
Alt+Shift+F10	Display navigation option window.
Alt+Shift+F11	None
Alt+Shift+F12	None

Hot Keys	Function/Action
Alt+Shift+1	None
Alt+Shift+2	None
Alt+Shift+3	None
Alt+Shift+4	None
Alt+Shift+5	None
Alt+Shift+6	None
Alt+Shift+7	None
Alt+Shift+8	None
Alt+Shift+9	None
Alt+Shift+0	None

Hot Keys	Function/Action
Ctrl+a	Selects "all" contents of the file you have opened. **Caution:** if you select Ctrl + a, then Ctrl + c, you are effectively "copying" the whole contents of the manual at one time. You can't hurt the original, so do a Ctrl + a, then use your page up/page down keys to see what has been selected.
Ctrl+b	No function. (In other windows applications, use Ctrl+b to **bold** selected text.)
Ctrl+c	Copy. This will copy whatever text or image you have selected.
Ctrl+d	Display document properties window.
Ctrl+f	Display a prompt to type text to find/search.
Ctrl+g	No function.
Ctrl+h	No function.
Ctrl+i	No function. (In other windows applications, use Ctrl+i to *italicize* selected text.)
Ctrl+j	No function.
Ctrl+k	Display Adobe Reader Preferences window.
Ctrl+l	In Adobe 6 Reader, starts a timed scrolls down full pages of the PDF file.
Ctrl+m	Display "zoom" setting.

Hot Keys	Function/Action
Ctrl+n	No function.
Ctrl+o	Display the Open window (allowing you to open a new PDF file).
Ctrl+p	Display the Print window (allowing you to print all or portions of the PDF file).
Ctrl+q	Quit. Close the PDF file and the Adobe Reader.
Ctrl+r	No function.
Ctrl+s	No function.
Ctrl+t	No function.
Ctrl+u	No function. (In other Windows applications, use Ctrl+u to underline selected text.)
Ctrl+v	No function. (In other Windows applications, use Ctrl+v to view copied or cut text.)
Ctrl+w	Close the PDF file.
Ctrl+x	No function. (In other Windows applications, use Ctrl+x to cut selected text.)
Ctrl+y	No function. (In other Windows applications, use Ctrl+y to redo previous action.)
Ctrl+z	No function. (In other Windows applications, use Ctrl+z to undo previous action.)
Ctrl++	Zoom in on displayed PDF file.
Ctrl+-	Zoom out on displayed PDF file.
Ctrl+Home	Go to the top of the PDF file.
Ctrl+End	Go to the bottom of the PDF file.
Ctrl+↑	Go up one full page in the PDF file.
Ctrl+←	Go up one full page in the PDF file.
Ctrl+↓	Go down one full page in the PDF file.
Ctrl+→	Go down one full page in the PDF file.
Ctrl+Shift+↑	Go to the top of the PDF file.
Ctrl+Shift+←	Go to the top of the PDF file.
Ctrl+Shift+↓	Go to the bottom of the PDF file.
Ctrl+Shift+→	Go to the bottom of the PDF file.
Ctrl+Shift+n	Display the "Go To Page" pop-up.
Ctrl+Shift+Page Down	Go to the last page of the PDF file.
Ctrl+Shift+Page Up	Go to the first page of the PDF file.
	Most Alt + key combinations have no function except the few that help you to navigate through the menu at the top of the Adobe Reader window (as noted below). The Alt key + the letter indicated will drop down the corresponding menu item.
Alt+d	Display the drop-down Document menu.
Alt+e	Display the drop-down Edit menu.
Alt+f	Display the drop-down File menu.
Alt+h	Display the drop-down Help menu.
Alt+t	Display the drop-down Tools menu.
Alt+v	Display the drop-down View menu.
Alt+w	Display the drop-down Window menu.

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