

TITLE 49
MOTOR VEHICLES

CHAPTER 5
VEHICLE TITLES

49-501. TITLING REQUIREMENTS -- EXEMPTIONS. (1) The provisions of this chapter shall apply to every vehicle required to be registered with the department in [chapter 4, title 49](#), Idaho Code.

(2) In addition, the titling requirements of this chapter shall apply to the following vehicles which are not required to be registered under the provisions of [chapter 4, title 49](#), Idaho Code:

(a) All-terrain vehicles, motorbikes, snowmobiles and utility type vehicles as defined in section [67-7101](#), Idaho Code, except that such vehicles having an internal combustion engine with a displacement of less than fifty (50) cubic centimeters will not be titled;

(b) Manufactured homes as defined in section [39-4105](#), Idaho Code;

(c) Recreational vehicles that conformed with the definition of a park model recreational vehicle in section [49-117](#), Idaho Code, when new, that are not registered; and

(d) Truck campers as defined in section [49-121](#), Idaho Code, that were originally constructed with an overall length of six (6) feet or longer. Titling is optional for truck campers acquired before January 1, 2009. Liens and encumbrances on truck campers that were filed with the office of the secretary of state in compliance with [chapter 9, title 28](#), Idaho Code, prior to January 1, 2009, shall be in full force and effect until said lien or encumbrance is satisfied and released by the lienholder who perfected the original lien or encumbrance.

(3) Certain vehicles which are required to be registered under the provisions of [chapter 4, title 49](#), Idaho Code, shall be exempt from the titling requirements of this chapter as follows:

(a) Utility trailers whose unladen weight is less than two thousand (2,000) pounds; and

(b) The board may, by rule, exempt vehicles and motor vehicles registered under the provisions of sections [49-434](#) and [49-435](#), Idaho Code, from the titling requirements of this chapter.

(4) Vehicles exempt from registration under the provisions of section [49-426](#), Idaho Code, are exempt from the titling requirements of this chapter, unless otherwise specifically required by the provisions of subsection (2) of this section.

[49-501, added 1988, ch. 265, sec. 116, p. 643; am. 1989, ch. 358, sec. 1, p. 900; am. 1999, ch. 170, sec. 3, p. 460; am. 2006, ch. 42, sec. 6, p. 128; am. 2008, ch. 106, sec. 3, p. 300; am. 2008, ch. 198, sec. 6, p. 642; am. 2017, ch. 134, sec. 9, p. 320.]

49-501A. APPLICATION TO VESSEL TITLING. The procedures provided in this chapter shall apply to all vessel titling programs referenced in [chapter 70, title 67](#), Idaho Code. Unless otherwise provided, any reference to "vehicle" in this chapter shall also mean "vessel."

[49-501A, added 1999, ch. 298, sec. 2, p. 750; am. 2001, ch. 73, sec. 13, p. 167.]

49-502. DELIVERY OF CERTIFICATE OF TITLE UPON SALE OR DISPOSITION -- REASSIGNMENT BY DEALERS. (1) No person shall sell or otherwise dispose of a vehicle without delivery to the purchaser or transferee a certificate of title with an assignment as necessary to show title in the purchaser or transferee except as provided for in subsection (2) of this section.

(2) The owner shown on the records of the department of any vehicle that has a 2010 or older model year or has a model year at least twenty (20) years old when transferred after January 1, 2031, or is over sixteen thousand (16,000) pounds gross vehicle weight or has no odometer device, or the owner of any vessel that has a certificate of title that has become lost, mutilated or illegible, may dispose of such vehicle or vessel by delivering to the purchaser or transferee a completed application for duplicate title, together with an assignment as necessary to show title in the purchaser or transferee. To obtain a certificate of title, the purchaser or transferee shall pay the fees pursuant to section [49-202](#) (2) (b), Idaho Code.

(3) No resident shall purchase or otherwise acquire or bring into the state a vehicle except for temporary use as provided by section [49-432](#), Idaho Code, unless he shall obtain a certificate of title in his name in accordance with the provisions of this chapter.

(4) Any dealer holding a current Idaho dealer license may, in lieu of having a certificate of title issued in his name, reassign either any existing certificate of title issued in this state or any application of duplicate certificate of title completed pursuant to subsection (2) of this section.

[49-502, added 1988, ch. 265, sec. 117, p. 643; am. 2010, ch. 36, sec. 1, p. 66; am. 2014, ch. 38, sec. 10, p. 78; am. 2021, ch. 69, sec. 1, p. 251.]

49-503. ISSUANCE OF CERTIFICATE OF TITLE REQUISITE TO ACQUISITION OF TITLE -- WAIVER OR ESTOPPEL. Except as provided in sections [49-502](#), [49-510](#) through [49-512](#) and [49-514](#), Idaho Code, no person acquiring a vehicle from the owner, whether the owner is a dealer or otherwise, shall acquire any right, title, claim or interest in or to the vehicle until he has issued to him a certificate of title to that vehicle, nor shall any waiver or estoppel operate in favor of that person against a person having possession of a certificate of title or an assignment of the certificate of the vehicle for a valuable consideration.

[49-503, added 1988, ch. 265, sec. 118, p. 643.]

49-504. APPLICATIONS TO DEPARTMENT FOR CERTIFICATES -- PROCEDURE -- IDENTIFICATION NUMBERS. (1) Application for a certificate of title shall be made upon a form furnished by the department and shall contain the owner's Idaho driver's license number, Idaho identification card number or social security number or individual taxpayer identification number. In the case of a business, the employer tax identification number is required. Every application shall also contain the owner's true and full legal name. In the event that the owner does not possess a social security number, Idaho driver's license number, Idaho identification card number or individual taxpayer identification number, the owner shall present written documentation sufficient to the department to determine that no social security number has been issued. In the event that a business, trust, or other statutorily created entity is not required to have and does not possess an employer tax identification number, the applicant shall

provide a written statement certifying that the entity does not possess an employer tax identification number. The form must contain the owner's physical domicile address or in the case of a business, trust or other statutorily created entity, such entity's physical address and any mailing address if different from the physical address. If the owner has submitted an application pursuant to the provisions of [chapter 58, title 19](#), Idaho Code, then the owner may state, in the application required pursuant to this section, the applicant's alternative Idaho mailing address in place of his or her physical domicile address. Such application must be signed by the owner and contain a full description of the vehicle, including the make, identification numbers, and the odometer reading at the time of sale or transfer, and whether the vehicle is new or used, together with a statement of the applicant's title and of any liens or encumbrances upon the vehicle, and the name and address of the person to whom the certificate of title shall be delivered, and any other information as the department may require. The application shall be filed with the department and, if a certificate of title has previously been issued for that vehicle in this state, shall be accompanied by the certificate of title duly assigned, unless otherwise provided for in this chapter. The department may promulgate rules to provide for exceptions to the odometer requirement. Social security numbers collected shall not appear on certificates of title, and all applications on file shall be exempt from disclosure, except as provided in sections [49-202](#), [49-203](#) and [49-203A](#), Idaho Code.

(2) If the current certificate of title was not issued for the vehicle in this state, the application, unless otherwise provided for in this chapter, shall be accompanied by a certificate of title, bill of sale or other evidence of ownership required by the law of any other jurisdiction from which the vehicle was brought into this state and a vehicle identification number inspection completed by any city, county or state peace officer or other special agent authorized by the department.

(3) In the case of a new vehicle being titled for the first time, no certificate of title or registration shall be issued unless the application is endorsed by a franchised new vehicle dealer licensed to sell a new vehicle. Each application shall be accompanied by a statement completed by the franchised new car dealer that it is authorized to transfer the vehicle to the purchaser. The dealer shall retain in its records a manufacturer's certificate of origin or manufacturer's statement of origin executed by the manufacturer and delivered to his agent or his franchised vehicle dealer. The certificate or statement of origin shall be in a form prescribed by the board and shall contain the year of manufacture or the model year of the vehicle, the manufacturer's vehicle identification number, the name of the manufacturer, the number of cylinders, a general description of the body, if any, and the type or model. Upon sale of a new vehicle, the manufacturer or his agent or franchised dealer shall execute and deliver to the purchaser an assignment of the certificate or statement, together with any lien or encumbrance to which the vehicle is subject. The certificate or statement will be retained by the dealer for five (5) years so that it is available for inspection by the department.

(4) The department shall retain the evidence of title presented by the applicant and on which the certificate of title is issued. The department shall maintain an identification numbers index of registered vehicles except that said index is not required to include operators who have been issued a certificate of number or nonresident user certificate pursuant to

sections [67-7122](#) and [67-7124](#), Idaho Code, and, upon receiving an application for a certificate of title shall first check the identification number shown in the application against the index. The department, when satisfied that the applicant is the owner of the vehicle and that the application is in proper form, shall issue in the name of the owner of the vehicle a certificate of title bearing a title number, the date issued and a description of the vehicle as determined by the department, together with a statement of the owner's title and of all liens or encumbrances upon the vehicle, and whether possession is held by the owner under a lease, contract or conditional sale, or other like agreement.

(5) In all cases of transfer of vehicles, the application for certificates of title shall be filed within thirty (30) calendar days after the delivery of the vehicles. Licensed dealers need not apply for certificate of title for vehicles in stock or when they are acquired for stock purposes.

(6) In the case of the sale of a vehicle by a dealer to a general purchaser or user, the certificate of title shall be obtained in the name of the purchaser by the dealer upon application signed by the purchaser. If a lien is to be recorded, the title documentation as required in this section shall be submitted to the department by the dealer or the lienholder upon application signed by the purchaser. A copy of this application shall be given to the purchaser to be used as a seventy-two (72) hour temporary permit. In all other cases, the certificates shall be obtained by the purchaser and the certificate of title properly assigned and dated by the seller, or the seller's bill of sale shall serve as a seventy-two (72) hour permit. The seventy-two (72) hour time period for temporary permits shall be calculated excluding weekend days and legal holidays observed by the state of Idaho. This temporary permit allows operation of any noncommercial vehicle or unladen commercial vehicle or vehicle combination without license plates for the period of time specified in the permit. A laden commercial vehicle or vehicle combination may also operate without license plates for the period of time specified in the temporary permit, provided that the owner or operator has also obtained a permit issued under the provisions of section [49-432](#), Idaho Code.

(7) If the vehicle has no identification number, then the department shall designate an identification number for that vehicle at the time of issuance of the certificate of title. The identification number shall be permanently affixed to or indented upon the frame of the vehicle and legibly maintained by the owner at all times while a certificate of title to the vehicle shall be issued and outstanding.

(8) An EVC provider authorized pursuant to section [49-401C](#), Idaho Code, may act on behalf of the department in receiving, processing, and transmitting applications for title and any related fees to the department. The security, oversight, and processing requirements in [chapter 4, title 49](#), Idaho Code, shall also apply to titling transactions conducted by an EVC provider.

(9) The department may allow a person to submit a required document by using electronic media deemed feasible by the department instead of requiring an original document. If a signature on a document is required by law and the document is submitted electronically, the signature requirement will be satisfied by an authenticated electronically submitted signature. An electronically submitted document, once accepted by the department, shall be deemed the same as an original document and shall be admissible in all administrative, quasi-judicial, and judicial proceedings.

[49-504, added 1988, ch. 265, sec. 119, p. 644; am. 1989, ch. 35, sec. 1, p. 45; am. 1991, ch. 153, sec. 1, p. 362; am. 1993, ch. 321, sec. 1, p. 1179; am. 2000, ch. 55, sec. 1, p. 109; am. 2000, ch. 418, sec. 14, p. 1351; am. 2009, ch. 141, sec. 2, p. 424; am. 2010, ch. 225, sec. 6, p. 512; am. 2010, ch. 258, sec. 2, p. 659; am. 2014, ch. 38, sec. 11, p. 79; am. 2021, ch. 149, sec. 30, p. 421; am. 2021, ch. 180, sec. 3, p. 497.]

49-504A. PENALTY FOR LATE FILING -- TRANSFER OF CERTIFICATE OF TITLE -- DISPOSITION OF MONEYS. (1) When a transfer of ownership arises, a penalty of twenty dollars (\$20.00) for presentation of a previously issued certificate of title shall be assessed against the new owner when the presentation for transfer of title or creation of an electronic ownership record in the new owner's name occurs more than thirty (30) days after the vehicle was transferred. All fines collected under the provisions of this section shall be distributed to the county current expense fund.

(2) When a licensed Idaho vehicle dealer, or entity exempted from licensing as defined in section [49-105](#)(1), Idaho Code, either takes possession of a vehicle for the purpose of resale or transfers ownership of that vehicle, no penalty shall be assessed.

(3) When a person acquires ownership of a vehicle in another state, the thirty (30) day filing requirement shall begin upon initial entry of the vehicle into the state of Idaho.

(4) Vehicles acquired prior to July 1, 1989, and all-terrain vehicles, motorbikes and snowmobiles acquired prior to January 1, 1991, are specifically exempt from this penalty.

[49-504A, added 1989, ch. 35, sec. 2, p. 46; am. 1990, ch. 369, sec. 1, p. 1007; am. 1991, ch. 143, sec. 2, p. 340; am. 2014, ch. 38, sec. 12, p. 81.]

49-505. ISSUANCE OF CERTIFICATES OF TITLE BY DEPARTMENT -- DELIVERY -- ELECTRONIC FILE FOR LIENHOLDERS. Certificates of title shall be printed by the department. The original copy shall be delivered to the applicant if there are no liens or encumbrances on the certificate. If there are liens or encumbrances recorded, the certificate shall be delivered or mailed to the holder of the lien or encumbrance who is first in time on the date of the application.

In place of physically issuing a paper certificate of title, the department may create a paperless electronic record of title and suspend the requirement to issue a certificate of title. If a lien is being recorded, the department and the lienholder will enter into a written agreement authorizing the creation of the electronic record of the certificate of title. Any reference to a "certificate of title" in this chapter shall also apply to an "electronic record of title." The department may require that lienholders, licensed dealers, and rental car vendors be issued an electronic record of title in lieu of the issuance of paper certificates if the department determines such method to be more cost effective than a paper system.

[49-505, added 1988, ch. 265, sec. 120, p. 645; am. 1991, ch. 153, sec. 2, p. 364; am. 1993, ch. 298, sec. 1, p. 1097; am. 2021, ch. 180, sec. 4, p. 499.]

49-506. DESTRUCTION OF RECORDS. Records pertaining to certificates of title used to record each title transaction shall be retained a minimum of

twenty (20) years, after which time they may be destroyed. The records shall be maintained so as to permit the tracing of title of the vehicles designated.

[49-506, added 1988, ch. 265, sec. 121, p. 646; am. 1991, ch. 153, sec. 3, p. 364; am. 2001, ch. 73, sec. 14, p. 167.]

49-507. DEPARTMENTAL REGULATIONS FOR TRANSFER OF VEHICLES -- APPOINTMENT OF DEPUTIES AND ASSISTANTS. Procedure for the transfer of vehicles, and the issuance of certificates of title not otherwise expressly provided for by this chapter, may be provided for by regulations issued by the department, and in addition the director shall appoint all necessary personnel to carry out the provisions of this chapter.

[49-507, added 1988, ch. 265, sec. 122, p. 646.]

49-508. CANCELLATION OF CERTIFICATES OF TITLE -- RETURN OF REGISTRATION RECEIPTS AND LICENSE PLATES. (1) If it appears that a certificate of title has been improperly issued, the department shall, after notice and hearing, cancel the certificate. The notice shall be served in person or by first class mail to the person to whom that certificate of title was issued, as well as any lienholders appearing thereon. The holder of the certificate of title shall return it to the department upon cancellation, but the cancellation of any certificate of title shall not affect the validity of any lien recorded on it.

(2) If a receipt of registration has been issued to the holder of a canceled certificate of title, the department shall immediately cancel it and demand the return of the receipt of registration and license plates, and the holder of the receipt of registration and license plates shall immediately return them to the department.

[49-508, added 1988, ch. 265, sec. 123, p. 646; am. 1991, ch. 153, sec. 4, p. 364; am. 2003, ch. 157, sec. 3, p. 446.]

49-509. STOLEN VEHICLES -- REPORTING BY OFFICERS. It shall be the duty of every sheriff, chief of police, officer of the Idaho state police, or officer having taken a report of a stolen vehicle, to immediately enter the information regarding the stolen vehicle into the national crime information center stolen vehicle file.

[49-509, added 1988, ch. 265, sec. 124, p. 647; am. 1991, ch. 153, sec. 5, p. 365; am. 1995, ch. 116, sec. 27, p. 411; am. 2000, ch. 469, sec. 115, p. 1577; am. 2010, ch. 98, sec. 1, p. 190.]

49-510. LIENS AND ENCUMBRANCES -- FILING -- FEE -- NOTATION ON CERTIFICATE -- CONSTRUCTIVE NOTICE. (1) No lien or encumbrance on any vehicle registered under the laws of this state created subsequent to December 31, 1986, irrespective of whether such registration was effected prior or subsequent to the creation of the lien or encumbrance, shall be perfected as against creditors or subsequent purchasers or encumbrancers without notice until the holder of the lien or encumbrance, or his successor, agent or assignee, has complied with the requirements of section [49-504](#), Idaho Code,

and has filed the properly completed title application and all required supporting documents with the department or an agent of the department.

(2) When the holder of a lien or encumbrance, his successor, agent or assignee, has filed with the department or agent of the department a properly completed title application and supporting documents as required by section [49-504](#), Idaho Code, it shall be the duty of the department or agent of the department to file the same, endorsing on the title application the date of receipt. A lien is perfected as of the date of the filing of a properly completed application with the department or an agent of the department.

(3) When the department is satisfied as to the genuineness and regularity of the documents submitted, it shall issue a new certificate of title or create a paperless electronic record of the title and lien filing when substantiated by a written agreement as provided in section [49-505](#), Idaho Code. The title shall contain the name of the owner of the vehicle, the name and address of each holder of a lien or encumbrance, and a statement of all liens or encumbrances which have been filed with the department, together with the date of each lien or encumbrance and the date received by the department or agent of the department. The filing of a lien or encumbrance and the notation of it shall be a condition of perfection and shall constitute constructive notice of the lien or encumbrance and its contents to creditors and subsequent purchasers and encumbrancers. All liens or encumbrances so filed with the department shall be perfected and take priority according to the order in which the same are noted upon the certificate of title or entered into the electronic records of the department.

[49-510, added 1988, ch. 265, sec. 125, p. 647; am. 1991, ch. 143, sec. 3, p. 341; am. 1992, ch. 143, sec. 1, p. 437; am. 1993, ch. 283, sec. 1, p. 957; am. 1993, ch. 298, sec. 2, p. 1098; am. 1996, ch. 364, sec. 1, p. 1221; am. 1998, ch. 392, sec. 18, p. 1223; am. 2001, ch. 73, sec. 15, p. 167; am. 2007, ch. 66, sec. 2, p. 169.]

49-511. CANCELLATION OR DISCHARGE OF LIEN OR ENCUMBRANCE. When a lien or encumbrance is canceled or discharged, the lienholder shall provide notice of such cancellation or discharge to the department within thirty (30) days. If the lienholder was holding the paper certificate of title, he shall note the cancellation or discharge on the certificate of title in the space provided, over his signature, or by some other legal document, discharging the encumbrance, and shall deliver the paper certificate of title to the owner within thirty (30) days of receipt of payoff of the encumbrance. If the lienholder was holding an electronic title, he shall send the department an electronic transaction that directs the department to provide a paper title to the owner free of the lienholder's lien within thirty (30) days of receipt of payoff of the encumbrance.

[49-511, added 1988, ch. 265, sec. 126, p. 648; am. 1991, ch. 153, sec. 6, p. 365; am. 1993, ch. 298, sec. 3, p. 1099; am. 1994, ch. 297, sec. 1, p. 941; am. 2014, ch. 38, sec. 13, p. 81.]

49-512. SECURITY INTERESTS -- METHOD OF GIVING CONSTRUCTIVE NOTICE EXCLUSIVE. The method provided in this chapter for perfection of a security interest on a vehicle is exclusive, except as to security interests in vehicles held in inventory for sale, which shall be governed by the provisions of [chapter 9, title 28](#), Idaho Code.

[49-512, added 1988, ch. 265, sec. 127, p. 648.]

49-512A. EFFECT OF A TERMINAL RENTAL ADJUSTMENT CLAUSE. Notwithstanding any provision of law to the contrary, a transaction involving a motor vehicle or trailer does not create a sale or security interest merely because the transaction provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon the sale or other disposition of the motor vehicle or trailer.

[49-512A, added 2004, ch. 247, sec. 1, p. 713.]

49-513. SALE OF ENCUMBERED VEHICLE -- CONSENT OF LIENHOLDER -- EFFECT. Sale of any vehicle by the owner with the knowledge and consent of the holder of any lien or encumbrance properly noted upon the certificate of title or upon the electronic records of the department, shall not render the sale void or ineffective as against that lien or encumbrance.

[49-513, added 1988, ch. 265, sec. 128, p. 649; am. 1993, ch. 298, sec. 4, p. 1099.]

49-514. TRANSFER OF OWNERSHIP BY OPERATION OF LAW -- LIENS -- VEHICLES REGISTERED IN FOREIGN STATE -- CERTIFICATES OF TITLE. In the event of the transfer of ownership of a vehicle by operation of law, as upon inheritance, devise or bequest, order in bankruptcy, insolvency, replevin, or execution sale, or whenever a vehicle is sold to satisfy storage or repair charges, or if the interest of the owner is terminated or the vehicle is sold under a security agreement, the department may upon the surrender of the prior certificate of title, or when that is not possible, upon presentation of satisfactory proof to the department of ownership and right to possession of the vehicle and presentation of an application for a certificate of title, issue to the applicant a certificate of title. Only an affidavit by the person or agent of the person to whom possession of the vehicle so passed, setting forth facts entitling him to possession and ownership, together with a copy of the journal entry, court order or instrument upon which the claim of possession and ownership is founded, shall be considered satisfactory proof of ownership and right of possession. If the applicant cannot produce proof of ownership he may apply directly to the department and submit any evidence as he may have, and the department shall, if it finds the evidence sufficient, issue a certificate of title to the applicant.

If from the records in the office of the department there appears to be any prior lien or liens on the vehicle, the certificate of title shall contain a statement of those liens, unless the application is accompanied by proper evidence of their satisfaction or discharge.

Upon the death of the owner of one (1) or more registered vehicles, the following heirs of the owner, to wit: the surviving spouse, the children, lawful issue of the deceased children, the parents, the brothers or sisters, or the guardian of the estate of any minor or insane or incompetent person having such relationship to the owner, if such person has a right to succeed to the property of the owner, may secure a transfer of the certificate or certificates of title of the owner to the vehicle or vehicles, upon presenting to the department the appropriate certificate or certificates of title, if available, and an affidavit of the person or persons setting forth the fact of survivorship or heirship, the names and addresses of any other

heirs, that the decedent died intestate, that the decedent has no creditors, that the decedent did not leave other property necessitating probate, and if required by the department, a certificate of the death of the deceased. The department, when satisfied of the genuineness and regularity of the transfer, shall transfer the registrations and titles accordingly.

[49-514, added 1988, ch. 265, sec. 129, p. 649; am. 1991, ch. 153, sec. 7, p. 366; am. 1994, ch. 70, sec. 1, p. 147; am. 1998, ch. 392, sec. 19, p. 1224.]

49-515. LOST, MUTILATED OR ILLEGIBLE CERTIFICATES -- DUPLICATE CERTIFICATES. In the event any certificate of title is lost, mutilated or becomes illegible, the owner or legal representative of the owner of the vehicle, or the holder of the lien which is prior in date and time as shown by the records of the department, shall immediately make application for and may obtain a duplicate certificate of title upon the applicant furnishing information satisfactory to the department. Any certificate of title issued pursuant to this section shall have printed or stamped in ink upon its face "duplicate title". In the event of the recovery of the original certificate of title by the owner or the first lienholder, he shall immediately surrender it to the department for cancellation.

[49-515, added 1988, ch. 265, sec. 130, p. 650; am. 1991, ch. 153, sec. 8, p. 367.]

49-516. JUNKED OR CHANGED VEHICLES -- CANCELLATION OF CERTIFICATE. Each owner of a vehicle and each person mentioned as owner in the last certificate of title when a vehicle is dismantled, destroyed or changed in a manner that it is not the vehicle described in the certificate of title, shall surrender his certificate of title to the department, and the department shall with the consent of any holders of any liens, enter a cancellation upon its records. The department upon receipt of a certified copy of an order or judgment from a court of competent jurisdiction that a partially dismantled, junked, abandoned or non-operating vehicle is a public nuisance shall cancel the certificate of title to the vehicle if there be one. Upon cancellation of a certificate of title in the manner prescribed by this section the department may cancel and destroy all certificates in that chain of title.

[49-516, added 1988, ch. 265, sec. 131, p. 650.]

49-517. PRINTING AND FORM OF CERTIFICATES. (1) All certificates of title shall be printed upon safety paper to be selected by the department, and shall be in such form as the department shall prescribe.

(2) When substantiated by a written agreement as provided in section [49-505](#), Idaho Code, the department may create a paperless electronic record of a certificate of title in place of issuing a paper document whenever a lien is to be recorded; however, upon written demand from the owner and payment of the fee as provided in subsection (2) (b) of section [49-202](#), Idaho Code, the department shall issue a paper certificate of title.

(3) In the absence of a certificate of title, the computer records of the department shall be the original title document.

[49-517, added 1988, ch. 265, sec. 132, p. 651; am. 1993, ch. 298, sec. 5, p. 1099.]

49-518. ALTERING OR FORGING CERTIFICATE -- STOLEN CARS -- DESTROYING OR ALTERING ENGINE OR DECAL NUMBER -- USE OF FICTITIOUS NAME -- FRAUD. It shall be a felony for any person to:

(1) Alter or forge any certificate of title or salvage certificate of ownership to a vehicle, or any assignment thereof, or any cancellation of any liens on a vehicle; or

(2) Hold or use a certificate of title or salvage certificate of ownership or assignment or cancellation knowing it to be altered or forged; or

(3) Procure or attempt to procure a certificate of title to a vehicle, or to pass or attempt to pass a certificate of title or any assignment to a vehicle, knowing or having reason to believe that the vehicle has been stolen; or

(4) Sell or offer for sale in this state a vehicle on which the motor number, manufacturer's serial number, or "repaired vehicle" or "reconstructed vehicle" decal has been destroyed, removed, covered, altered or defaced, with knowledge of that destruction, removal, covering, alteration or defacement of the motor number, manufacturer's serial number, or "repaired vehicle" or "reconstructed vehicle" decal; or

(5) Use a false or fictitious name, or give a false or fictitious address, or make a false statement in any application or affidavit required under the provisions of this chapter, or any bill of sale or sworn statement of ownership, or otherwise commits a fraud in any application; or

(6) Purport to sell or transfer a vehicle without delivering to the purchaser or transferee a certificate of title or salvage certificate of ownership duly assigned to the purchaser.

[49-518, added 1988, ch. 265, sec. 133, p. 651; am. 1989, ch. 285, sec. 5, p. 706; am. 1994, ch. 296, sec. 2, p. 937.]

49-519. OPERATION OF VEHICLE WITHOUT CERTIFICATE OF TITLE -- FAILURE TO SURRENDER CERTIFICATE -- SALVAGE CERTIFICATE. It shall be unlawful, except as otherwise provided in this chapter, for a person:

(1) To operate a vehicle for which a certificate of title is required, without the certificate having been obtained in accordance with the provisions of this chapter; or

(2) To operate a vehicle for which the certificate of title has been cancelled; or

(3) Not being an enfranchised dealer, or acting upon behalf of such dealer, to acquire, purchase, hold or display for sale a new vehicle without having obtained a certificate of title as provided for in this chapter; or

(4) To fail to surrender a certificate of title or any certificate of registration or license plate upon cancellation of the same by the department, as provided by this chapter; or

(5) To fail to surrender the certificate of title to the department in connection with the destruction, dismantling or change of a vehicle in any respect that it is not the vehicle described in the certificate of title; or

(6) To sign as assignor, or for any person to have in his possession a salvage certificate or certificate of title which has been signed by the owner as assignor, without the name of the assignee and other information required on the form prescribed by the department.

(7) To violate any of the other provisions of this chapter or any laws, or rules or regulations promulgated pursuant to this title.

[49-519, added 1988, ch. 265, sec. 134, p. 652; am. 1989, ch. 285, sec. 6, p. 706.]

49-520. REFUSAL TO ISSUE CERTIFICATE OF TITLE OR REGISTER VEHICLE -- REVOCATION AFTER ISSUANCE OR REGISTRATION. If the department shall determine an applicant for a certificate of title to a vehicle is not entitled to it, it shall refuse to issue a certificate or to register the vehicle, and in that event unless the department reverses its decision or its decision is reversed by a court of competent jurisdiction, the applicant shall have no further right to apply for a certificate of title or registration on the statements in the application. The department may for a like reason after notice and hearing, revoke registration already acquired or any outstanding certificate of title. The notice shall be served in person or by first class mail. An appeal may be taken from any decision of the department.

[49-520, added 1988, ch. 265, sec. 135, p. 652; am. 1991, ch. 153, sec. 9, p. 367; am. 2003, ch. 157, sec. 4, p. 446.]

49-521. DEALERS IN VEHICLES -- RECORDS OF PURCHASES AND SALES -- POSSESSION OF CERTIFICATES OF TITLE -- FOREIGN VEHICLES. (1) Every dealer in vehicles, trailers or semitrailers shall maintain a record in a form as prescribed by the department of every used vehicle, trailer or semitrailer bought, sold, or exchanged by the licensee or received or accepted by the licensee for sale or exchange. The record shall contain a description of the vehicle, including the name of the manufacturer, type, serial number, odometer reading and other distinguishing marks, and whether any numbers thereon have been defaced, destroyed, or changed and shall state with reference to each vehicle the name and address of the person from whom purchased or received, when sold or otherwise disposed of by the licensee, and the name and address of the person to whom sold or delivered.

(2) Every licensee shall have in his possession a separate certificate of title assigned to him or other documentary evidence of his right to the possession of and for every vehicle in his possession.

[49-521, added 1988, ch. 265, sec. 136, p. 652; am. 1991, ch. 153, sec. 10, p. 367.]

49-522. ENDORSEMENT "FOR JUNK ONLY" ON CERTIFICATE WHEN VEHICLE SOLD OR TRANSFERRED -- OPERATION PROHIBITED. (1) The owner of any vehicle who sells or transfers it to another with the intention or understanding that the vehicle is not to be used as an operating unit shall, at the time of sale or transfer, endorse on the face of the certificate of title to that vehicle the words "for junk only," and the department shall place those words on the face of each subsequent certificate of title to that vehicle.

(2) No person shall operate upon a highway any vehicle, the certificate of title to which has been so endorsed, and no person shall sell or attempt to sell that vehicle for use as an operating unit.

[49-522, added 1988, ch. 265, sec. 137, p. 653; am. 1991, ch. 153, sec. 11, p. 368; am. 2021, ch. 180, sec. 5, p. 500.]

49-523. PROCEDURE WHEN DEPARTMENT UNSATISFIED AS TO OWNERSHIP OR SECURITY INTERESTS -- TEMPORARY REGISTRATION PROCEDURE. (1) If the department is not satisfied as to the ownership of the vehicle or that there are no undisclosed security interests in it, the department may register the vehicle, but shall either:

(a) Withhold issuance of a certificate of ownership until the applicant presents documents reasonably sufficient to satisfy the department as to the applicant's ownership of the vehicle and that there are no undisclosed security interests in it; or

(b) As a condition of issuing a certificate of ownership, require the applicant to file with the department all documents held as to the applicant's ownership of the vehicle, together with a bond in the form prescribed by the department and executed by the applicant, or a deposit of cash in a like amount. The bond shall be in an amount equal to one and one-half (1 1/2) times the value of the vehicle, as determined by the department, and conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest in it, and their respective successors in interest, against any expense, loss or damage, including reasonable attorney's fees, by reason of the issuance of the certificate of ownership of the vehicle, or on account of any defect in or disclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person has a right of action to recover on the bond for any breach of its conditions, but the aggregate liability of the surety to all persons shall not exceed the amount of the bond. The bond, or any cash deposit, shall be returned at the end of three (3) years, or prior to that time if the vehicle is no longer registered in this state and the current valid certificate of ownership is surrendered to the department, unless the department has been notified of the pendency of an action to recover on the bond.

(c) As to a vehicle at least ten (10) model years old, an applicant who is a resident of the state of Idaho may file with the department, before its authorized representative, a verified statement of facts setting out in detail the manner in which the applicant came into possession of the vehicle, the establishment of ownership, and a summary of the applicant's attempts to contact any prior owners of the vehicle. Upon receipt by the department of the verified statement and all documentation relating to the applicant's possession of the vehicle, and completion of an inspection of the vehicle identification number by an authorized representative of the department, the applicant shall execute a document in the form provided by the department releasing it of any and all damages that may be suffered by the applicant, along with warranties that the applicant will pay any and all damages suffered by any person or entity as to the issuance of a title for that vehicle by the department. The department shall then issue a certificate of title to the applicant in a form set out by this section. The certificate of title shall include the statement, "ISSUED ON STATEMENT OF APPLICANT," in permanent letters upon its face. The title issued pursuant to this subsection shall be presumed to indicate legal ownership of the vehicle at the end of the three (3) year period from the date of issue of that title, provided the vehicle is still registered in the state of Idaho, and there are no actions or claims pending against the applicant which place legal ownership in question. The department and the state of

Idaho shall be immune as to any damages suffered by any person or entity as a result of the issuance of a certificate of title as provided by this subsection.

(2) Every dealer desiring the privilege of issuing temporary registration permits for the operation of vehicles shall make application to the department. If the privilege is granted, the dealer will receive a series of permits, consecutively numbered by the department, secured by the dealer at a fee of nine dollars (\$9.00) for each permit. A permit subsequently issued by a dealer to a purchaser shall be valid for a period not to exceed thirty (30) days.

The dealer shall issue temporary registration permits in numerical sequence, one (1) only for each vehicle sold to a bona fide purchaser. Each permit, and the attached stub, shall be completed in duplicate, in ink or by typewriter at the time of issuance. The expiration date on the original permit shall be filled in by rubber stamp or broad-tipped marking pen, and the print shall be at least three-fourths (3/4) inch high and one-eighth (1/8) inch wide. The original permit shall be displayed in the rear window of the vehicle for which it is issued, except when issued for a convertible, station wagon, motorcycle, or other vehicle for which this would not be practical. In these exceptional cases, the permit should be conspicuously displayed in a place where the number of the permit and the expiration date may be easily read and where protected from exposure to weather conditions which would render it illegible.

(3) The dealer shall keep a written record of every temporary registration permit issued. This record shall include the name and address of the person or firm to whom the permit is issued, a description of the vehicle for which it is issued, including year, make, model, identification number, and the date of issue. This record shall list all permits in numerical sequence and shall be open to inspection by any peace officer or designated employee of the department.

(4) The fees collected from dealers by the department under the provisions of this section shall be transmitted by the department to the state treasurer for deposit in the highway distribution account.

(5) Upon application for title and for registration of a vehicle for which temporary registration has been issued under this section, the county assessor shall collect and fees shall be deemed due from the date of issuance of the temporary registration permit rather than from the date of application for title or registration.

(6) The department or a county assessor may issue temporary vehicle registration permits in an emergency situation. The fee for a temporary registration shall be nine dollars (\$9.00) and shall be valid for a period of thirty (30) days. The temporary fees collected by the department shall be transmitted to the state treasurer for deposit in the highway distribution account. Temporary fees collected by an assessor shall be distributed as follows: five dollars (\$5.00) shall be deposited in the county current expense fund and four dollars (\$4.00) shall be transmitted to the department for deposit through the state treasurer in the highway distribution account.

[49-523, added 1988, ch. 265, sec. 138, p. 653; am. 1991, ch. 153, sec. 12, p. 368; am. 2009, ch. 331, sec. 5, p. 956; am. 2014, ch. 38, sec. 14, p. 81.]

49-523A. TITLE STOP WHEN OWNERSHIP OF VEHICLE DISPUTED. (1) Whenever a party claims an interest in a vehicle subject to a title, the party may request a title stop be placed upon the title record of the vehicle.

(2) The request for title stop shall be provided to the department, together with documentation supporting the request and the fee required pursuant to the provisions of section [49-202](#) (2) (i), Idaho Code.

(3) A verbal request to the department for a title stop may be placed on the title record for up to five (5) business days upon advising the requestor of the requirements and giving the requestor time to send the written request. Failure to send the written request shall terminate the request at the end of the five (5) business days.

(4) Upon receipt of the request for title stop, the department may place a stop on the title record of the subject vehicle if it appears from the documentation provided that there exists a reasonable dispute as to the ownership of the vehicle.

(5) Notwithstanding the placement of a stop or the filing of a stop request, the department shall process an application for title accompanied by a properly completed affidavit of repossession, or to record a lien or encumbrance, unless the requestor of the stop has provided the department with a court order restraining the issuance of title. In all other applications for title, the department shall place or maintain a stop and shall notify the title applicant that a stop is in place.

(6) Once the title stop is placed by the department, the requesting party shall provide evidence of a judicial filing relating to the subject vehicle within thirty (30) days of the title stop becoming effective. Failure to provide such evidence shall result in the department's cancellation of the title stop.

(a) Upon receipt of a written request for a title stop and the required fee, the department shall send notice of the title stop to the titled owners and any other party with recorded interest or lienholder recorded on the title records of the department.

(b) Upon receipt by the department of satisfactory evidence of a judicial filing, the title stop shall remain in place until a final order of the judicial proceeding is received, the requesting party has instructed the department to remove the stop, the requesting party has failed to respond to notice under paragraph (c) of this subsection or for one (1) year, unless renewed by the requestor, whichever comes first.

(c) Except as provided in subsection (5) of this section, if a person files evidence with the department that the person has acquired title to the vehicle for which a title stop has been placed, then the department shall send notice to the original requesting party providing ten (10) business days from the date notice was mailed to object to the release of the title stop. If the department does not receive timely response from the requesting party or if the requesting party instructs the department to remove the stop, then the title stop shall be immediately released.

(7) During the pendency of the title stop, no title applications for the vehicle to which the stop pertains shall be processed by the department except as otherwise provided in this section.

(8) Title stops requested by a governmental agency shall be exempt from the provisions of subsection (6) of this section. Such title stop shall be valid for two (2) years, unless renewed by the governmental agency request-

ing the stop. Governmental agencies shall be exempt from the fee required in section [49-202](#) (2) (i), Idaho Code.

(9) The provisions of this section shall be effective for any title stop received on and after July 1, 2015.

[49-523A, added 2015, ch. 203, sec. 1, p. 616.]

49-524. SALVAGE CERTIFICATE OF TITLE OR ELECTRONIC FILE TO REPLACE CERTIFICATE OF TITLE OR CERTIFICATE OF ORIGIN ON VEHICLES. (1) Every person acquiring a vehicle that has been determined to be a salvage vehicle shall obtain a salvage certificate of title on that vehicle.

(2) The salvage certificate of title shall replace the manufacturer's certificate of origin, manufacturer's statement of origin, certificate of title or other comparable ownership document and shall indicate ownership only; it shall not be valid for registration purposes.

(3) A salvage certificate of title shall be issued by the department or under the direction of the department and shall be on a form or electronic file as prescribed by the department. The form shall provide for assignments of the salvage certificate of title.

(4) The fee for a salvage certificate of title or electronic filing of a salvage certificate of title shall be in accordance with the provisions of section [49-202](#) (2) (b), Idaho Code. The fee shall be deposited in the state highway account.

(5) Every insurer making payment for a vehicle that has been determined to be a salvage vehicle shall, within thirty (30) days from receipt of the properly released manufacturer's certificate of origin, manufacturer's statement of origin, certificate of title or other comparable ownership document, surrender such document to the department, along with an application for salvage certificate of title, the salvage certificate of title fee and other documents as required by the department for processing. The department shall issue a salvage certificate of title to the applicant if all requirements have been satisfied.

(6) If a salvage pool receives a manufacturer's certificate of origin, manufacturer's statement of origin, certificate of title or other comparable ownership document for a vehicle that has been determined to be a salvage vehicle, the salvage pool shall, within thirty (30) days and upon receipt of the properly released ownership document, surrender such document to the department, along with an application for salvage certificate of title, the salvage certificate of title fee and other documents as required by the department for processing. The department shall issue a salvage certificate of title to the applicant if all requirements have been satisfied.

(7) If an insurer has made payment for a salvage vehicle and the insurer or a salvage pool is unable to obtain a properly released manufacturer's certificate of origin, manufacturer's statement of origin, certificate of title or other comparable ownership document for the salvage vehicle within thirty (30) days after the acceptance by the owner of an amount in settlement of a total loss, then the insurer or salvage pool may submit an application for salvage certificate of title to the department without having first obtained one (1) of the aforementioned ownership documents. In place of one (1) of the aforementioned ownership documents, the insurer or the salvage pool shall submit to the department the following: a sworn statement that it made at least two (2) written attempts to obtain from the owner the properly released manufacturer's certificate of origin, manufacturer's statement of origin, certificate of title or other comparable ownership document

by sending notice to the owner at the owner's address of record with the department, together with a copy of each such written attempt. Additionally, the insurer or salvage pool shall include proper evidence of the satisfaction or discharge of any lien or encumbrance properly noted upon the certificate of title or upon the electronic records of the department, an application for salvage certificate of title, the salvage certificate of title fee, indemnifying affidavit and other documents as required by the department for processing. The department shall issue a salvage certificate of title if all requirements have been satisfied.

(8) It is a misdemeanor, punishable by up to six (6) months in jail, a fine of one thousand dollars (\$1,000) or both, if the owner of a retained salvage vehicle fails to surrender the title and be issued a salvage certificate of title, or to sell the vehicle and not tell the buyer that the vehicle is totaled.

(9) If an insurer has allowed the owner to retain ownership of the salvage vehicle, the owner must surrender the certificate of title for such vehicle to the department not later than thirty (30) days from the date that the claim was satisfied. The insurer must notify the department of a total loss payoff within thirty (30) days. The department shall issue a salvage certificate of title to the owner prior to any sale or disposition of the salvage vehicle.

(10) If an insurer acquires the manufacturer's certificate of origin, manufacturer's statement of origin, certificate of title or other comparable ownership document for a vehicle in a settlement of a theft claim, the insurer shall immediately, upon receipt of the properly released ownership document, surrender such document to the department, along with an application for salvage certificate of title in the name of the insurer, the salvage certificate of title fee and other documents as required by the department for processing.

(11) If an insurer has acquired a vehicle in a settlement of a theft claim, has made application to and has been issued a new salvage certificate of title in the name of the insurer and the vehicle is subsequently recovered and is not damaged to the extent that it is a salvage vehicle, the insurer may complete an affidavit indemnifying the department stating the facts of acquisition and disposition of the vehicle in a form prescribed by the department and deliver the salvage certificate of title of ownership, affidavit and any other documents required by the department to the transferee at the time of delivery of the vehicle. When these documents are submitted with an application for title, the subsequent title for the vehicle will not be issued with the brand "rebuilt salvage" based on the theft incident, but a notation of "theft recovery" shall be made on the title certificate and title record.

(12) Any person acquiring ownership of a salvage vehicle purchased in a state or jurisdiction that does not require surrender of the certificate of title or comparable ownership document shall, within thirty (30) days following delivery of the certificate of title or ownership document, surrender such title or document to the department and apply for a salvage certificate of title.

(13) An owner of a salvage vehicle who sells or transfers said vehicle shall provide a properly executed assignment of the salvage certificate of ownership to the transferee.

(14) A purchaser of a salvage vehicle shall not possess or retain a salvage vehicle without a salvage certificate of title. The salvage vehicle

purchaser shall display the salvage certificate of title upon the request of any peace officer or agent of the department.

[49-524, added 1989, ch. 285, sec. 7, p. 707; am. 1994, ch. 296, sec. 3, p. 937; am. 1995, ch. 162, sec. 1, p. 641; am. 1996, ch. 327, sec. 2, p. 1119; am. 2001, ch. 73, sec. 16, p. 168; am. 2006, ch. 102, sec. 1, p. 280; am. 2008, ch. 84, sec. 2, p. 219; am. 2011, ch. 143, sec. 1, p. 404; am. 2013, ch. 89, sec. 1, p. 219; am. 2014, ch. 38, sec. 15, p. 83.]

49-525. SALVAGE-CERTIFIED VEHICLE -- BRANDED CERTIFICATE OF TITLE. (1) The department shall issue a branded certificate of title on any vehicle for which a salvage certificate of title, salvage bill of sale or other documentation showing evidence that the vehicle has been declared salvage has been issued by this or any other state, provided, if documentation of salvage certification has been received from another state, the requirements specified in section [49-524](#), Idaho Code, shall be applied to that vehicle.

(2) If an otherwise correct application is made for a certificate of title on any salvage vehicle, the department shall issue a branded certificate of title as a "rebuilt salvage vehicle" if the application for a certificate of title is supported by a salvage vehicle statement completed by the owner which states:

(a) That the owner personally rebuilt or repaired the vehicle or personally supervised its rebuilding or repairing and includes a description of work done to restore the vehicle to the operating condition that existed prior to the event which caused the salvage certificate of title to be issued;

(b) That the identification numbers of the restored vehicle and its parts have not, to the knowledge of the owner, been removed, destroyed, falsified, altered or defaced;

(c) That the salvage certificate of title document or out-of-state title certificate attached to the application has not to the knowledge of the owner been forged, falsified or altered; and

(d) That all information contained on the application and its attachments is true and correct.

(3) Each branded certificate of title or other ownership document received from another jurisdiction or authorized ownership document-issuing entity shall have its brand carried forward to all subsequent certificates of title issued in this state.

(4) Every brand retrieved from the national motor vehicle title information system shall be carried forward to all subsequent titles issued by this state.

(5) The department may promulgate rules as necessary to implement the provisions of sections [49-524](#) and [49-525](#), Idaho Code.

[49-525, added 1989, ch. 285, sec. 8, p. 708; am. 1994, ch. 296, sec. 4, p. 939; am. 2006, ch. 102, sec. 2, p. 281; am. 2008, ch. 84, sec. 3, p. 220; am. 2014, ch. 38, sec. 16, p. 85.]

49-526. RELEASE OF LIABILITY UPON SALE OF VEHICLE. (1) The department shall require that a separate release of liability statement be completed by the owner of a motor vehicle upon sale or transfer of the motor vehicle to another party. The statement shall be forwarded to the department by the former owner, together with the proper fee as provided in section [49-202](#), Idaho Code, within five (5) days of delivery of the motor vehicle to a dealer,

purchaser or other transferee. The statement shall include the motor vehicle identification number, vehicle description, name of seller, name and address of buyer or other transferee, date of sale, odometer reading, and sales price. Provided that:

(a) A lienholder may complete the release of liability on behalf of the registered owner when the title is released by the lienholder directly to a dealer or new purchaser.

(b) Motor vehicle dealers licensed under [chapter 16, title 49](#), Idaho Code, are not required to report dealer-to-dealer transfers to the department. However, dealers are required to maintain a record of the transfer for audit and tracking purposes.

(2) Any former owner who files a release of liability statement with the department pursuant to this section shall not be liable under section [49-2417](#), Idaho Code, nor shall the former owner be liable for any motor vehicle infractions, towing, storage, repair or service charges that may occur subsequent to delivery of the vehicle to a dealer, purchaser or other transferee.

(3) It shall be unlawful for any person to knowingly file or attempt to file a release of liability statement which contains false information.

[49-526, added 1996, ch. 271, sec. 2, p. 884; am. 2002, ch. 366, sec. 2, p. 1033; am. 2003, ch. 153, sec. 1, p. 440.]

49-527. PURPOSE OF TRANSITIONAL OWNERSHIP DOCUMENT. The purpose of a transitional ownership document is to enable security interest to be perfected in a timely manner when the primary ownership document is not available. The transitional ownership document serves to perfect a lien against creditors or subsequent purchasers.

(1) To perfect a security interest the transitional ownership document must be received by the department or agent within thirty (30) days of the date of sale. To determine the thirty (30) days, exclude the first day (i.e., date of sale) and count each calendar day thereafter. If the thirtieth day falls on a weekend or holiday it is not counted; the last date the transitional ownership document will be accepted is the following business day of the department or agent.

(2) The lien will be perfected as of the date and time of filing consistent with section [49-510](#), Idaho Code.

(3) The transitional ownership document is not intended to supersede the requirements of section [49-504](#), Idaho Code, but rather to provide an alternative method of lien perfection.

(4) Once a transitional ownership document has been filed with the department or agent, the primary ownership document must be received by the department or agent within ninety (90) calendar days from the date of the security agreement or contract. To determine ninety (90) days, exclude the first day (i.e., day of sale) and count each calendar day thereafter. If the ninetieth day falls on a weekend or holiday, the last date the transitional ownership document may be used to determine date of security interest perfection is the following business day of the department or agent.

[49-527, added 2000, ch. 320, sec. 1, p. 1078; am. 2007, ch. 66, sec. 3, p. 170.]

49-528. CIRCUMSTANCES UNDER WHICH TRANSITIONAL OWNERSHIP DOCUMENT ACCEPTABLE AS EVIDENCE OF OWNERSHIP. A transitional ownership document is acceptable as evidence of ownership only if the primary ownership document:

(1) Is not in the possession of the selling dealer, new security interest holder or the agent of either at the time the transitional ownership document is submitted to the department; and

(2) To the best of the knowledge of the selling dealer, security interest holder or agent, will not be available for submission to the department within thirty (30) days of the date of sale or if no sale is involved, within the date of a security agreement or contract.

[49-528, added 2000, ch. 320, sec. 1, p. 1079; am. 2007, ch. 66, sec. 4, p. 171.]

49-529. MANDATORY REJECTION OR INVALIDATION OF TRANSITIONAL OWNERSHIP DOCUMENT BY DEPARTMENT. The transportation department shall reject, return or subsequently invalidate a transitional ownership document if:

(1) More than thirty (30) days have elapsed between the date of sale, or if no sale is involved, more than thirty (30) days have elapsed between the date the contract or security interest being perfected was signed and the date the transitional ownership document is received by the department;

(2) The transitional ownership document does not contain all of the information contained in section [49-121](#)(7), Idaho Code;

(3) It is determined that persons named on the transitional ownership document as having a security interest did not have a security interest on the date the transitional ownership document was received;

(4) It is determined the person who submitted the transitional ownership document made false statements in completing the transitional ownership document;

(5) The department does not receive the primary ownership document from the date of sale within ninety (90) days of the date of sale or if no sale is involved, within ninety (90) days from the date the security agreement or contract was signed;

(6) The security interest holder or person submitting the transitional ownership document elects to retain, requests it be returned or requests that the transitional ownership document be withdrawn; or

(7) The information on or in the transitional ownership document has been changed or altered in a manner that is not acceptable to the department.

[49-529, added 2000, ch. 320, sec. 1, p. 1079; am. 2007, ch. 66, sec. 5, p. 171.]

49-530. DISCRETIONARY REJECTION OR INVALIDATION OF DOCUMENT BY DEPARTMENT. The transportation department may reject, return or subsequently invalidate a transitional ownership document if it is determined that:

(1) Title is to be issued to someone other than the person shown on the transitional ownership document;

(2) Interests reflected on the primary ownership document or in information submitted in conjunction with that document conflict with the interests as reflected on the transitional ownership document;

(3) The person submitting the transitional ownership document has failed to submit the nonrefundable fee required by section [49-202](#)(e), Idaho Code; or

(4) A copy of the application for certificate of title is not attached as required by the department.

[49-530, added 2000, ch. 320, sec. 1, p. 1080.]