



Texas Department of Transportation

VEHICLE TITLES AND REGISTRATION DIVISION • AUSTIN, TEXAS 78779-0001 • (512) 465-7611

June 8, 2001

Registration and Title Bulletin # 053-01

TO: All County Tax Assessor-Collectors

SUBJECT: Vehicle Title Manual Revisions

PURPOSE

To provide the attached revisions to the Vehicle Title Manual.

DETAILS

Please replace and/or add the attached pages in your Vehicle Title Manual.

Remove / Replace
Pages 17-20
Pages 39-40
Pages 45-48
Pages 63-66
Pages 79-88
Pages 103-104
Pages 129-130
Pages 137-140
Pages 142A-145A
Pages 146A-146D
Pages 219-222
Index Pages – As applicable

CONTACT(S)

If you have any questions concerning this bulletin, please contact your local TxDOT Vehicle Titles and Registration Division Regional Office or the Operations Branch at (512) 465-7602. Thank you.

Sincerely,


for Jerry L. Dike, Director
Vehicle Titles and
Registration Division

Attachments

cc: Texas Department of Public Safety
All Dealer Associations
Comptroller's Office

Transportation Code § 501.002

- II. Motorcycles, motor-driven cycles, and mopeds designed for and used exclusively on golf courses are not classified as motor vehicles under the provisions of the Certificate of Title Act; and such units cannot, therefore, be titled. If a golf cart, mini-bike, etc., is to be operated on the public streets under a "slow-moving vehicle emblem."
- III. A motorcycle is defined under Sec. 501.002 as ". . . every motor vehicle designed to propel itself with not more than three wheels in contact with the ground but excluding a tractor." The title requirements for a motorcycle are the same basic requirements prescribed for any other motor vehicle.
- IV. A moped is defined as ". . . a motor-driven cycle whose speed attainable in one mile is not more than 30 mph and that is equipped with a motor that produces not more than two-brake horsepower. If an internal combustion engine is used, the piston displacement may not exceed 50cc and the power drive system may not require the operator to shift gears." A vehicle which meets this criteria and which has been certified as a moped by the Department of Public Safety will be registered and titled as a moped; otherwise, if the vehicle does not appear on the list of certified mopeds published by that agency, the vehicle will be treated as a motorcycle for title and registration purposes.
 - A. Effective September 1, 1983, no person other than a dealer may register, sell, trade, or otherwise transfer a moped within this State unless a certificate of title is applied for and issued in the name of the owner as of September 1, 1983.
 - B. All new mopeds sold on and after September 1, 1983, must be transferred on Manufacturer's Certificates of Origin except those which a dealer had in stock prior to that date and for which the dealer cannot obtain a Manufacturer's Certificate of Origin. These may be transferred on an invoice or bill of sale, provided there is a statement noted thereon verifying the fact that the vehicle was in the dealer's stock prior to September 1, 1983.
 - C. Used mopeds in a dealer's stock prior to September 1, 1983, shall be transferred on an Affidavit of Ownership for a Moped, Form D12-329, executed by the dealer and a Dealer's Reassignment, Form 41, which transfers the vehicle from the dealer to the retail purchaser. Any used moped purchased or taken in trade by a dealer on or after September 1, 1983, must be transferred to such dealer on an assigned certificate of title which the dealer may then reassign to a retail purchaser.
 - D. An individual who is the owner of a moped as of September 1, 1983, must secure a certificate of title in his name before such vehicle can be registered or transferred to another owner. The basic evidence of ownership shall be one of the following items:
 - 1. A Manufacturer's Certificate of Origin properly executed and assigned to the applicant.
 - 2. An invoice signed by an agent of the company or firm selling the moped. The date of the sale shown on the invoice must be prior to September 1, 1983.
 - 3. A bill of sale properly executed by the seller and dated prior to September 1, 1983.
 - 4. A previous year's license receipt in the name of the owner as of September 1, 1983.
 - 5. In the event none of the above evidence is available, an Affidavit of Ownership for a Moped, Form D12-329, must be executed by the owner as of September 1, 1983; and such owner must be the person that is applying for title.

Transportation Code § 501.002

- E. The frame serial number is to be used as the vehicle identification number on all applications for certificate of title covering mopeds. If a moped does not have a serial number die-stamped on the frame, an assigned vehicle identification number ("TEX" number) must be obtained from the department and placed on the vehicle before an application for title may be accepted.
- F. In the event an individual installs a motor on a bicycle, the motor must be certified by the Department of Public Safety before the vehicle can be classified as a moped. If the motor has been certified, the application for title should show the make as the trade name of the bicycle, or if no trade name, "Assembled"; and the frame number should be shown as the vehicle identification number. If an acceptable frame number is not available, an assigned vehicle identification number must be obtained from the department.
- V. The term "motor vehicle" does not apply to implements of husbandry; therefore, these units cannot be titled.
- VI. Farm tractors owned by exempt agencies and farm tractors used as road tractors to mow the right-of-way or used to move commodities over the highway for hire are required to be registered and titled.
- VII. The \$5.30 distinguishing license plate is issued in lieu of regular registration. Below are listed the vehicles eligible for the distinguishing plate, and such vehicles cannot be titled under this Act. (See Motor Vehicle Registration Manual for information on this plate.)
 - A. Machinery Plates are issued to:
 - 1. Construction machinery (unconventional vehicles).
 - 2. Water well drilling units.
 - B. Farm Trailer Plates are issued to:

Farm trailers and farm semitrailers with a gross weight over 4,000 pounds but not exceeding 34,000 pounds, including cottonseed trailers and fertilizer trailers.
 - C. Permit Plates are issued to:

Oversize/overweight commercial vehicles which are used solely for servicing, cleaning out, and/or drilling oil wells and which consist in general, of a mast, an engine for power, a draw-works, and a chassis permanently constructed for such purpose or purposes; or a mobile crane, which is an unladen, self-propelled vehicle constructed as a machine and used solely to raise, shift, or lower heavy weights by means of a projecting, swinging mast with an engine for power on a chassis permanently constructed for such purposes. (For further information, refer to the Motor Vehicle Registration Manual, Chapter 623.)
- VIII. A pulling unit with body type Trailer Jockey can be registered as a road tractor with Tractor License Plates, or it can be registered with Combination License Plates if it is pulling a semitrailer with a gross weight of six thousand (6,000) pounds or more. As a prerequisite to title and registration, Trailer Jockeys, or yard dogs, must meet the Federal DOT and Texas safety standards. If the evidence of ownership is a Manufacturer's Certificate of Origin (MCO), it must be a secure form. Additionally, if the MCO does not contain the tonnage, the applicant must present a letter from the manufacturer stating the tonnage before an application for title/registration can be accepted. Proof of financial responsibility in the title applicant's name will also be required, unless the vehicle was purchased from a dealer.

(15) "New motor vehicle" means a motor vehicle that has not been the subject of a first sale.

- I. A Manufacturer's Certificate of Origin to a motor vehicle which has been assigned to one franchised dealer (licensed to sell "new" motor vehicles of a specific "make") by another franchised dealer licensed to sell the same "make" does not constitute a first sale. However, if the franchised dealer to whom the manufacturer's certificate is assigned registers the vehicle, a first sale is constituted. The only acceptable basic evidence under this Act in securing title for a new vehicle is a manufacturer's certificate, and the transaction must be accompanied by the title copy of the original registration receipt.

Note: Questions relating to assignment of a manufacturer's certificate should be referred to the Motor Vehicle Division, Enforcement Section.

- II. If a manufacturer's certificate is assigned by a franchised dealer to a non-franchised dealer (licensed to sell only used vehicles), the franchised dealer is required to complete and file all documents necessary to apply for title and registration in the name of the non-franchised dealer, as this is considered to be a "retail sale."

In order to prevent any inconvenience to a legitimate retail consumer who presents a manufacturer's certificate assigned to them by a non-franchised dealer, the transaction should be accepted and processed. However, a copy of the transaction, including the front and back of the manufacturer's certificate, should be forwarded to the Motor Vehicle Division for enforcement action.

- III. Procedure to be followed on vehicles that have not previously been registered or titled when such vehicles have been used off highway.
 - A. Under the terms of the Certificate of Title Act, a vehicle remains a "NEW" vehicle until such time as it is required to be registered and titled.
 - B. Vehicles owned by oil companies, for example, that have not been registered or titled because they were never operated upon the streets or public highways (such vehicles usually are operated exclusively on oil company property) are considered to be "NEW" vehicles regardless of age and may be transferred in one of the following ways:
 1. The first available assignment on the manufacturer's certificate describing the vehicle involved should be executed in favor of the purchaser, and the word "none" should be shown in the space for the "Dealer License Number." A statement of fact executed by the seller should accompany the manufacturer's certificate stating that the vehicle has never been operated upon any public street or highway.
 2. In the event the vehicle is over two (2) years old and the manufacturer's certificate is not available, a statement of fact as described in paragraph 1 above must be executed; and an assignment, such as that shown on the back of a manufacturer's certificate, should be incorporated in this statement of fact.
 3. If the vehicle is transferred to a non-franchised Texas dealer, further transfers may not be made by assignment of manufacturer's certificate. The non-franchised dealer must apply for title and registration in the dealership name prior to re-selling the vehicle.

NOTE: The procedure outlined in paragraph III above applies to vehicles that were never subject to title and registration because they were purchased for use on private property and used exclusively off highway. This exception from title and registration does not apply to vehicles that were purchased for resale by someone other than a licensed dealer.

- IV. In those instances when a retail purchaser desires title in his name and the date of assignment to such purchaser on the manufacturer's certificate is over two (2) years old, the transaction must be accompanied by a statement of fact executed by such purchaser explaining where the vehicle has been and that the vehicle has not been registered or titled in any state.

Transportation Code § 501.002

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

- I. A "dealer" is not an owner as defined in this Act.
- II. A Texas Certificate of Title is not issued for vehicles owned by the federal government.
- III. Exempt License Plates are issued to vehicles owned and operated by the State of Texas or any of its subdivisions, school districts, counties, or cities; and all such vehicles are required to be titled. For a discussion of title and registration requirements for exempt agencies, refer to Section 501.138. Also, refer to the Motor Vehicle Registration Manual.

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

- I. S. B. 22 (56th Legislature), effective August 11, 1959, provides for the issuance of Texas Certificates of Title for trailers having an empty weight (unloaded weight) in excess of 4,000 pounds and on semitrailers having a gross weight (loaded weight) in excess of 4,000 pounds. The owner (Texas licensed dealer excepted) of any trailer or semitrailer must apply for and receive a Texas Certificate of Title for such vehicle. When a trailer or semitrailer is required to be registered but not titled, the owner of the vehicle shall retain the evidence of ownership presented to the tax office.
 - A. Definition of Trailer - A trailer is any vehicle designed or used to carry its load wholly on its own structure and to be drawn by a motor vehicle.
 - B. Trailers - The empty weight of a trailer determines whether such vehicle is subject to Texas title, and such weight must be in excess of 4,000 pounds.
 1. Evidence of ownership required for a Texas Certificate of Title for a trailer.
 - a. A manufacturer's certificate is required to support the application for title for a new trailer, and the title copy of the registration receipt and a weight certificate must be attached.
 - b. A Texas Certificate of Title is required to support an application for title for a used trailer last registered in this State; or if the trailer was purchased prior to 8-11-59, the basic evidence of ownership may be one (1) of the following:
 - (1) Prescribed Form for Affidavit of Ownership for Trailer or Semi-Trailer, Form D12-305, executed by the owner as of 8-11-59, and such owner must be the one that is applying for title. A copy of the registration receipt and a weight certificate must also be attached to the transaction.
 - (2) Bill of Sale - The bill of sale must be properly notarized or witnessed by two (2) persons showing their addresses; and such bill of sale must be dated prior to 8-11-59. A copy of the registration receipt and a weight certificate must be attached to the transaction.
 - (3) Invoice - An invoice submitted as evidence of ownership must be signed by an agent of the company or firm selling the trailer, and the date of sale shown on the invoice must be prior to 8-11-59. A copy of the registration receipt and a weight certificate must also be attached to the transaction.

K. Name of Owner and Signature of Owner

The Supreme Court has ruled that the law knows of but one Christian name, and the omission of a middle name or initial is immaterial.

1. The name of owner and the signature of owner as shown on the face of the application should agree both with each other and with the name of the purchaser on the supporting evidence, except that the omission or inclusion of a middle name or initial is immaterial provided, however, that in the event a middle name or initial is shown, it shall not be in conflict with the middle name or initial shown elsewhere on the papers. The surname must agree in all cases, but the Christian name and the middle name or initial may vary; thus, John Tom Doe on assignment may be shown as John T. Doe on the application or vice versa; or his name or signature may appear as J. T. Doe, John Doe, or J. Doe.

If there are any doubts as to the identity of the signor, a statement of fact from the person in question may be requested to clarify that he or she is one and the same person. Examples include when there is a name change due to marriage or divorce, or where a title reflects the name of John Doe and the signature reflects John Doe, Sr.

2. Joint ownership (two or more owners) may be shown on an application as "Mr. and Mrs. John Doe," "Mary and John Doe," or "Mary Doe and John Doe" and both owners should sign their own names on the application; but the word "or" or "and/or" may not be used either on the assignment or on the face of the application to denote joint, dual, or co-ownership. IMPORTANT! The word "and" should not be used to connect the signatures of joint owners as each owner must sign for himself.
3. If one or more persons submit an application for title and surrender a jointly signed "Rights of Survivorship" agreement, the words "RIGHTS OF SURVIVORSHIP" shall be placed on the certificate of title by the department. Upon the death of one or more of the persons named in the agreement, a new certificate shall be issued to the surviving person(s) or the surviving person(s)' transferee upon receipt of an application for title executed by the survivor(s). A copy of the deceased person(s)' death certificate should be attached to the application for title.

However, if the persons execute a Prescribed Form for Rights of Survivorship Ownership Agreement for a Motor Vehicle, Form VTR-122, and do not wish to have it immediately made a matter of record (recorded on the title), such an agreement may be retained in their keeping. Upon the death of any of the persons named in the agreement, the survivor(s) must obtain a new certificate of title by submitting an application for transfer of title executed by the survivor(s). The application for title should be supported by a copy of the deceased person(s)' death certificate. (For those agreements between persons who are not husband and wife, a number of factors affect how they may enter into such agreements and how certificates of title may be issued to the survivor(s). Refer to Section 501.031 for a more detailed discussion of Rights of Survivorship agreements.)

4. Assignments and applications in the name of John Doe, et al (meaning "and others"), is considered to be a company name and does not require authority for the agent to sign.

Transportation Code § 501.021

5. The name of the owner does not have to appear over the agent's signature in the signature space on an application for title. However, if a company name is shown in the signature space, it must agree with the name of the owner. If the agent signing requires authority (as in the case of a power of attorney), the notation Power of Attorney, POA, or P/A must be shown adjacent to his signature; and proper authority to support his signature must be attached to the transaction.

Example #1: Name of Owner XYZ Company

Signature of
Owner or Agent John Smith

Example #2: Name of Owner Pete Smith

Signature of
Owner or Agent Edward Jones -Power of Attorney

6. If joint owners of a vehicle give authority to another individual to apply for title in their names, a power of attorney signed by all the owners must be attached.

Example: Name of Owner John Doe - Mary Doe

Signature of
Owner or Agent Richard Smith -Power of Attorney

7. In the case of joint owners, one of the joint owners may give another of the joint owners power of attorney to sign for him. The power of attorney should be attached, and the following is an example of how the names of owners and the signature of the attorney should appear:

Example: Name of Owner Tom Smith - Jack Brown

Signature of
Owner or Agent Jack Brown -Power of Attorney

8. An individual may give a company a form of power of attorney in which no agent is named to act for the company. The power of attorney should be attached to the transaction; the company's name should appear in the space for signature of owner; and the agent's signature should be shown as signing for the company.

Example: Name of Owner Tom Smith

Signature of XYZ Company
Owner or Agent John Smith -Power of Attorney

9. If the title reflects the owner's name as John Doe and the signature reflects John Doe, Sr. or John Doe, Jr., a statement of fact may be requested from that person to clarify that he (John Doe and John Doe, Sr./Jr.) is one and the same person.

Example: Name of Owner John Doe

Signature of
Owner or Agent John Doe, Sr. - May request Statement of Fact

Transportation Code § 501.021

- II. Effective April 1, 1990, in accordance with House Bill 2020 which was enacted by the 71st Texas Legislature, 1989, the notarization of certain documents relating to a title transfer is no longer required. These documents shall include:

FORM NO. TITLE (If Applicable)
Form 30-C Texas Certificate of Title Assignments and Reassignments
Form 40 Odometer Disclosure Statement
Form 41 Dealer's Reassignment of Title for a Motor Vehicle
Form VTR-122 Form for Rights of Survivorship Ownership Agreement for a Motor Vehicle
Form 130-U Application for Texas Certificate of Title/Seller, Donor or Trader's Affidavit
Form 131-U Application for Texas Certificate of Title/Motor Vehicle Rental
Certificate/Seller-Purchaser Joint Affidavit
Form 132-U Application for Texas Certificate of Title/Seller-Purchaser Joint Affidavit for Dealers
or Lessors
Form VTR-141 "Travel Trailer" Verification
Form VTR-222 Texas Salvage Certificate of Title Assignments and Reassignments
Form D12-261 Prescribed Form of Affidavit of Ownership
Form VTR-266 Prescribed Form for Release of Lien
Form VTR-271 Power of Attorney to Transfer a Motor Vehicle
Form D12-272-A Request to Issue Non-negotiable Certificate of Title
Form D12-272-B Certification of Vehicle Identification Number for Vehicle Located Out of State
Form D12-471 Affidavit of Fact to Support an Application for Certificate of Title for "Slow-moving
Vehicle," such as Golf Carts or other Miniature Vehicles
Manufacturers' Certificates of Origin
Affidavits of Fact
Bills of Sale for Motor Vehicles Issued In Accordance with Court Orders*
Certifications of Certain Documents that are Attached to Title Transfers Certifying that the Copies
are "True and Correct of the Original"
Bills of Sale from Mexico and other Foreign Countries*
Out-of-state Documents
Limited Powers of Attorney Specifically for the Transfer of Ownership of Motor Vehicles
Odometer Disclosure Statements Printed by other than our department

*Effective May 1, 2001, bills of sale will only be acceptable in the following situations:

1. with out-of-state or out-of-country registration receipts that do not provide transfer of ownership sections, provided (1) the issuing state does not issue certificates of title as the negotiable evidence of ownership for that year model vehicle, or the issuing country only issues registration receipts, and (2) the out-of-state or out-of-country receipt reflects registration that is current or that has been expired for six months or less;
2. with out-of-state titles on which all dealer reassignment sections have been completed, provided the issuing state does not utilize supplemental dealer reassignment forms;
3. with operation of law transfers;
4. with component parts utilized to rebuild or assemble motor vehicles; and
5. with non-titled Texas vehicles.

Transportation Code § 501.021

III. Acknowledgment

The following individuals are authorized to take acknowledgments on papers related to Texas title and registration laws:

- A. Notary Public - (With seal affixed - embossed impression or rubber stamped ink impression) A notary public is authorized by law to take acknowledgment in any county in this State, regardless of the county in which such notary is appointed. The name of the notary public should be typed or stamped beneath the notary public's signature. Also the acknowledgment should include the date of acknowledgment and the date the notary's commission expires.
- B. Justice of the Peace and Ex-Officio Notary Public - (With seal affixed)
- C. County Clerk- (With seal affixed)
- D. Deputy County Clerk - Provided the name of the county clerk is also shown on the acknowledgment. (With seal affixed)
- E. District Clerk - (With seal affixed)
- F. Deputy District Clerk - Provided the name of the district clerk is also shown on the acknowledgment. (With seal affixed)
- G. County and District Judges - (With seal of office affixed)
- H. Officers of the United States Armed Forces on active duty provided their rank and branch of service is shown on the acknowledgment. (No seal required)
- I. Officials of the Diplomatic or Foreign Service of the United States Government may take acknowledgment within the country to which the official is accredited. Such acknowledgment must show the seal of office, name of office, and the country to which accredited.
- J. The County Tax Assessor-Collectors and their employees may administer oaths and take acknowledgments on any document required or authorized to be filed with the office of the County Tax Assessor-Collectors. (When taking acknowledgments on title and registration forms, the words Notary Public should be crossed out and substituted with Tax Collector or Tax Collector Employee; and the name of the county should be shown.)
- K. Members of any board or commission created by the laws of this State in matters pertaining to the duties thereof.

IV. Tax Collector's Receipt Information

The Form 31-RTS receipt number must be shown on the application in the space provided for the receipt number, along with the tax collector's name and county. The date the application was filed as shown on the application must agree with the date the Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax, VTR-500-RTS, or Form 31-RTS was issued. Every application should show this information.

V. Retail Purchaser Must File Application

The first retail purchaser must secure title in his name before he may transfer evidence of ownership of a motor vehicle to a subsequent purchaser.

Transportation Code § 501.021

VI. License Plates for Antique, Parade, Amateur Radio, Disaster, Soil Conservation Vehicles, Etc.

Under special laws, this department issues these license plates designed only for specific purposes. Vehicles registered with such license plates must be titled. (Refer to the Registration Manual for details.)

VII. The original (negotiable) computer-printed certificate of title has a space on the front for the owner to sign upon receipt of the title. The signature of owner in this space is preferred; however, the lack of an owner's signature will not invalidate a certificate of title.

VIII. In those instances when an error appears on a Texas Certificate of Title, a corrected title may be issued by the department directly to the applicant free of charge. To obtain a "no charge" corrected title, the applicant should submit a written request for a corrected title to the department together with the incorrect title. If a lien is recorded on the title, the Duplicate Original Title should also be surrendered, if possible; but the issuance of a corrected title shall not be withheld so long as the Original Title is surrendered.

A. Errors on Texas titles may also be corrected by filing an application for corrected title with the county tax collector; however, a tax collector is not authorized to waive the title fee or issue a "no charge" Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax, VTR-500-RTS, or Form 31-RTS. The only means for correcting such errors without charge is through the department.

B. In any instance, when the department is requested to issue a corrected title and the error cannot be confirmed by microfilm records or by VIN specification in the case of an error in the description of the vehicle, the department shall refuse to issue the corrected title. In this instance, the applicant will be advised to file a formal application for corrected title with the county tax collector supported by proper evidence to substantiate the correction.

Sec. 501.022. Certificate of Title Required

(a) The owner of a motor vehicle registered in this state may not operate or permit the operation of the vehicle on a public highway until the owner obtains a certificate of title for the vehicle.

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

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

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

Acts 1995, 74th Leg., ch. 165, § 1, eff. Sept. 1, 1995.

An individual who purchases a vehicle outside the county of his residence may file an application for title in the county in which he resides or the county in which the vehicle is purchased or encumbered. Accordingly, if the vehicle is unregistered, registration may also be issued in the county in which the application for title is filed. The application and registration receipt must indicate the owner's correct resident address. In subsequent years, when the vehicle is reregistered, it must be registered in the county in which the owner resides. (NOTE: For information pertaining to odometer requirements, refer to Section 501.072.)

A certificate of title is comparable to an abstract on a piece of property and should be kept in a safe place - not in the glove compartment of an automobile. Notice that this Section requires that the owner obtain title to the motor vehicle before operating same upon the public roads of this State, but it does not require that title shall be kept in the motor vehicle. (Title Application Receipt VTR-500-RTS or Form 31-RTS, given to the applicant for title by the county tax collector, will prove to any law enforcement officer that application for Texas title is in the process of issuance; and such receipt shall be so honored for a period of sixty (60) days.) Only in case of a commercial vehicle is the current registration receipt required to be carried in the vehicle.

Sec. 501.0275. Issuance of Title for Unregistered Vehicle

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

- (1) the vehicle is not registered for a reason other than a reason provided by Section 501.051(6); and*
- (2) the applicant does not provide evidence of financial responsibility that complies with Section 502.153.*

(b) On application for a certificate of title under this section, the applicant must surrender any license plates issued for the motor vehicle and any registration insignia for validation of those plates to the department.

Effective September 1, 1999, an applicant may obtain a negotiable certificate of title without obtaining Texas registration. In addition to the negotiable evidence of ownership, release of lien (if applicable), etc., the following additional documentation and procedures are applicable.

- I. A Request to Issue a Negotiable Certificate of Title Without Registration (VTR-131) and an application for title shall be completed by the applicant.
 - A. It is important that the Form VTR-131 be properly executed. The applicant must complete the vehicle description, including vehicle year, make, body style, old license plate number, year of license, VIN, and validation sticker number, if applicable.
 - B. One of the three applicable boxes must be checked on the Form VTR-131.
 1. If application is being made by an applicant for a vehicle with *current* Texas or out-of-state registration, then the first box must be checked by the applicant. An application for Texas title without registration may not be made if an applicant does not surrender license plates and registration validation for the vehicle, if the vehicle is currently registered, or license plates only—if a windshield validation sticker was not issued. An applicant must also surrender any license plates that may be on the vehicle even if the vehicle is not currently registered.
 2. If the vehicle is new or is not currently registered and the vehicle has no license plates or registration validation, an applicant may check the second box.
 3. The third box may be indicated only if the applicant is applying for Texas title without Texas registration under Sec. 502.0025. This is reserved for Texas residents who are active military personnel and have current registration in another country (military or registration under the host nation). Proof of valid military registration must be provided to the tax office. Valid proof includes: (1) a letter written on official letterhead by the applicant's unit commander attesting to the registration of the vehicle; or (2) the registration receipt issued by the appropriate branch of the armed forces or host nation.
 - C. The signature of the applicant on the VTR-131 indicates that the applicant understands that before the vehicle may be operated on the public streets and highways of Texas, the vehicle must display current registration.
- II. Title without registration may not be issued on a vehicle, which is currently suspended or revoked. If the vehicle record is marked with a notation indicating suspension or revocation, title without registration may not be issued. Applicants should be advised of the nature of the suspension and advised that the suspension or revocation must be cleared before issuance of a title without registration may be made.
- III. The applicant does not have to provide proof of insurance at the time of application for title without registration.
- IV. Vehicles with a Texas title obtained without registration are not subject to inspection under Transportation Code, Section 548.052.

Sec. 501.028. Owner's Signature

On receipt of a certificate of title, the owner of a motor vehicle shall write the owner's name in ink in the space provided on the certificate.

A. Name of Owner and Signature of Owner

The Supreme Court has ruled that the law knows of but one Christian name, and the omission of a middle name or initial is immaterial.

1. The name of owner and the signature of owner as shown on the face of the application should agree both with each other and with the name of the purchaser on the supporting evidence, except that the omission or inclusion of a middle name or initial is immaterial provided, however, that in the event a middle name or initial is shown, it shall not be in conflict with the middle name or initial shown elsewhere on the papers. The surname must agree in all cases, but the Christian name and the middle name or initial may vary; thus, John Tom Doe on assignment may be shown as John T. Doe on the application or vice versa; or his name or signature may appear as J. T. Doe, John Doe, or J. Doe.

If there are any doubts as to the identity of the signor, a statement of fact from the person in question may be requested to clarify that he or she is one and the same person. Examples include when there is a name change due to marriage or divorce, or where a title reflects the name of John Doe and the signature reflects John Doe, Sr.

2. Joint ownership (two or more owners) may be shown on an application as "Mr. and Mrs. John Doe," "Mary and John Doe," or "Mary Doe and John Doe" and both owners should sign their own names on the application; but the word "or" or "and/or" may not be used either on the assignment or on the face of the application to denote joint, dual, or co-ownership. IMPORTANT! The word "and" should not be used to connect the signatures of joint owners as each owner must sign for himself.
3. If one or more persons submit an application for title and surrender a jointly signed "Rights of Survivorship" agreement, the words "RIGHTS OF SURVIVORSHIP" shall be placed on the certificate of title by the department. Upon the death of one or more of the persons named in the agreement, a new certificate shall be issued to the surviving person(s) or the surviving person(s)' transferee upon receipt of an application for title executed by the survivor(s). A copy of the deceased person(s)' death certificate should be attached to the application for title.

However, if the persons execute a Prescribed Form for Rights of Survivorship Ownership Agreement for a Motor Vehicle, Form VTR-122, and do **not** wish to have it immediately made a matter of record (recorded on the title), such an agreement may be retained in their keeping. Upon the death of any of the persons named in the agreement, the survivor(s) must obtain a new certificate of title by submitting an application for transfer of title executed by the survivor(s). The application for title should be supported by a copy of the deceased person(s)' death certificate. (For those agreements between persons who are not husband and wife, a number of factors affect how they may enter into such agreements and how certificates of title may be issued to the survivor(s). Refer to Section 501.031 for a more detailed discussion of Rights of Survivorship agreements.)

4. Assignments and applications in the name of John Doe, et al (meaning "and others"), is considered to be a company name and does not require authority for the agent to sign.
5. The name of the owner does not have to appear over the agent's signature in the signature space on an application for title. However, if a company name is shown in the signature space, it must agree with the name of the owner. If the agent signing requires authority (as in the case of a power of attorney), the notation Power of Attorney, POA, or P/A must be shown adjacent to his signature; and proper authority to support his signature must be attached to the transaction.

Example #1: Name of Owner XYZ Company

Signature of
Owner or Agent John Smith

Example #2: Name of Owner Pete Smith

Signature of
Owner or Agent Edward Jones -Power of Attorney

6. If joint owners of a vehicle give authority to another individual to apply for title in their names, a power of attorney signed by all the owners must be attached.

Example: Name of Owner John Doe - Mary Doe

Signature of
Owner or Agent Richard Smith -Power of Attorney

7. In the case of joint owners, one of the joint owners may give another of the joint owners power of attorney to sign for him. The power of attorney should be attached, and the following is an example of how the names of owners and the signature of the attorney should appear:

Example: Name of Owner Tom Smith - Jack Brown

Signature of
Owner or Agent Jack Brown -Power of Attorney

8. An individual may give a company a form of power of attorney in which no agent is named to act for the company. The power of attorney should be attached to the transaction; the company's name should appear in the space for signature of owner; and the agent's signature should be shown as signing for the company.

Example: Name of Owner Tom Smith

Signature of XYZ Company
Owner or Agent John Smith -Power of Attorney

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9. If the title reflects the owner's name as John Doe and the signature reflects John Doe, Sr. or John Doe, Jr., a statement of fact may be requested from that person to clarify that he (John Doe and John Doe, Sr./Jr.) is one and the same person.

Example: Name of Owner John Doe

Signature of
Owner or Agent John Doe, Sr. - May request Statement
of Fact

10. A signature of owner should be accepted regardless of the manner in which an owner signs, prints, or "X's" his name. The words "His Mark" should be shown adjacent to an "X" when the owner signs in this manner.
11. An individual's name in partnership with a company or firm may be shown on an application for title. In such case, the company's or firm's name should be countersigned by an agent; and the individual's signature should appear. No authority is required for an agent to sign for a firm or company.

Example: Name of Owner Joe Doe and Union Oil Company

Signature of
Owner or Agent Joe Doe - Adam Clayton

12. In the event two companies are shown as joint owners on the application for title, a different agent must sign for each company, unless authorization is attached for the agent of one company to sign for the other.

Example: Name of Owner American Oil Co. and Union Oil Co.

Signature of
Owner or Agent Scott Jones - Lisa Miller

13. If the purchaser of a vehicle appears on the assignment as Joe Doaks d.b.a. Doaks Motor Company, the name of owner on the application for title may be shown either as "Joe Doaks d.b.a. Doaks Motor Company" or as "Doaks Motor Company." No authority is required for an agent to sign for a firm or company.
14. Evidence of authority need not be attached for an owner or agent signing as, or for, a "Trustee," provided such owner or agent does not sign for, or as, trustee of a trust, trustee of an estate, trustee in bankruptcy, or trustee for a minor.
15. No person shall sign for the estate of a deceased person without attaching evidence of legal authority, such as Letters of Administration, Letters Testamentary, Probate Proceedings (also muniment of title), or Affidavit of Heirship.

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- I. A salvage certificate of title may be issued in instances when it is needed to enable the owner to transfer ownership without repairing the vehicle. If the vehicle is subsequently repaired and placed in an operable condition, the purchaser's application for title must be supported by the salvage title with the inspection report properly completed by a law enforcement officer and also a Form VI-30-A to verify that the vehicle has passed the safety inspection.
- J. Any application for a Texas title supported by out-of-state evidence and accompanied by further evidence of ownership for motor, frame, or body to correct one of the component parts of the vehicle should not be accepted, as such correction should be made by the state in which the vehicle was last registered or titled. However, in the event such state refuses to issue corrected evidence, a letter from the proper out-of-state authorities stating such fact must be attached to the transaction. If the change was made in Texas, the same procedure should be followed as if the vehicle were titled in Texas. (Refer to Section 501.0929.)
- K. In the event an error in the basic motor or vehicle identification number is detected on a Texas title and the microfilm records of this department reveal the application for the first Texas title was issued from out-of-state evidence, refer to Section 501.0929.
- L. A motor vehicle, which was previously titled and/or registered out of state that is issued a "title only," is exempt from the Form VI-30-A requirement. However, the issued title and motor vehicle record will indicate the "VIN CERTIFICATION WAIVED" remark. If the vehicle is registered at a later date, the applicant will be required to apply for title and registration. In support of the title application, the applicant must provide: a properly executed VI-30-A, weight certificate (if the vehicle is commercial), valid proof of insurance, and negotiable evidence of ownership.

II. Vehicles from Foreign Countries

A. Evidence of Ownership:

All vehicles imported into the United States must have proper evidence of ownership. The original documents constituting valid proof of ownership in the country in which the vehicle was originally purchased must be surrendered when an application for Texas Certificate of Title is filed. (A certified copy of the foreign evidence of ownership will be acceptable provided it is certified by the appropriate foreign registrar.) For example, the Fahrzeugbrief title document issued by Germany is accepted as proper evidence of ownership for vehicles imported into the United States.

1. Use of the Polk's Foreign Vehicle Registration Manual shall be used to properly identify acceptable foreign evidence of ownership and other documents. (Supplemental documents that have been distributed by the department may continue to be used to identify acceptable foreign evidence of ownership.) Documents not illustrated in the manual which are offered as evidence of ownership must be approved in writing by a Vehicle Titles and Registration Division, Regional Office Supervisor, prior to acceptance by a county tax office. However, if the ownership and description of a vehicle cannot be determined or any other doubt occurs regarding information on a foreign document, a translation into the English language shall be required. The translation must contain a notarized or acknowledged affidavit from the translator, including the name and address of the translator.
2. With regard to a vehicle imported from a country that cancels the vehicle registration and title for export, the documents assigned to the vehicle after the registration and title have been canceled would be accepted as the proper evidence of ownership. If a translation is required, refer to the instructions in the previous paragraph.
3. A security Manufacturer's Certificate of Origin (MCO) will be required on all new imported vehicles. The "New Vehicle Information Statement" (NVIS) issued in Canada is acceptable in lieu of a security MCO and must be accompanied by a bill of sale or dealer reassignment form to the first retail purchaser.

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4. Foreign bills of sale or invoices will not be acceptable without proper evidence of ownership from the country in which the vehicle was last registered, and only if the evidence of ownership does not contain a transfer of ownership section. These documents must identify the vehicle (make, year model, and vehicle identification number or foreign registration), indicate the name of the buyer and seller, and must be acknowledged and dated.
5. Surrendered evidence must reflect a proper transfer to the first United States purchaser or importer and contain a complete chain of transfers to the applicant.
6. When an individual's name is shown with the notation "D.B.A." in conjunction with the name of a dealership on the foreign evidence of ownership, a separate affidavit shall be required from the dealership certifying that such individual is a bona fide agent/employee of the dealership.
7. Alterations on foreign documents are not acceptable. Written verification should be obtained from the appropriate foreign country by the applicant. For written verification on German documents, correspondence may be addressed to:

Kraftfahrt-Bundesamt
Foerdestrasse 16
Postfach 20 63
2390 Flensburg-Muerwik
Germany

B. Additional documentation required on a foreign/imported vehicle includes:

1. An Identification Certificate, Form VI-30-A, properly executed by a Texas Official State approved safety inspection station will be required on all vehicles imported into the United States (except certain vehicles owned by members of the German Federal Armed Forces – Refer to I, C, 10 of this section).
2. The Inspection Report on the bottom of the Application for Reassigned Number, Form 68-A, must be executed by a law enforcement officer who is a member of one of the following agencies: Municipal Police Auto Theft Unit; County Sheriff's Department Auto Theft Unit; Federal Bureau of Investigation; Texas Department of Public Safety Motor Vehicle Theft Services; or the National Insurance Crime Bureau (NICB) Vehicle Theft Investigators. This completed Form 68-A must accompany any title documentation supported by foreign evidence filed on and after August 1, 2000.
3. A weight certificate will be required on all imported commercial motor vehicles in excess of one (1) ton.
4. Proof of compliance with all U. S. Department of Transportation (USDOT) safety requirements, if applicable. (Refer to II, C of this section for detailed information regarding acceptable documentation, and II, C, 10 of this section for exceptions.)

NOTE: Vehicles with year models 25 years old or older are exempt from safety compliance.
5. U. S. Customs entry/clearance documentation. (Refer to II, C, 6 and II, D of this section for detailed information regarding acceptable documentation.)
6. Valid proof of financial responsibility, covering the described vehicle, in the applicant's name. (Refer to Section 502.152 of the Vehicle Registration Manual.)
7. All foreign vehicles imported into Texas for title and registration purposes are subject to odometer requirements. (Refer to Section 501.072.)
8. A receipt or certificate issued by the U. S. Department of Treasury showing that any and all gas guzzler taxes due on the vehicle have been fully paid, if applicable. A copy of the IRS Form 720 that was filed by the applicant accompanied by a copy of the canceled check will also be acceptable proof of payment of the tax.

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C. Proof of compliance with applicable U. S. Department of Transportation (USDOT) safety requirements.

When an applicant applies for a Texas Certificate of Title on an imported motor vehicle, the application must be supported by acceptable proof of compliance with all USDOT safety requirements, if applicable (Refer to Subsection II, C, 10 of this section for exceptions) AND U.S. Customs entry/clearance documentation. (Refer to II, C, 6 and II, D of this section for further information.)

1. Importers of vehicles must file a USDOT Form HS-7, Application for (Declaration) Importation of Motor Vehicles and Motor Vehicle Equipment Subject to Federal Motor Vehicle Safety, Bumper and Theft Prevention Standards, (available at ports of entry) at the time a vehicle is imported to declare whether the vehicle complies with all applicable federal motor vehicle safety standards (USDOT safety requirements). The USDOT Form HS-7 must be validated with an original U. S. Customs stamp (Certified copies by U. S. Customs are also acceptable.) or must be accompanied by other U. S. Customs entry/clearance documentation (Refer to II, C, 6 and II, D of this section for detailed information regarding acceptable documentation).

2. Refer to the quick reference provided in Figures 2 and 2A to determine the title and registration requirements that will be applicable in relation to the various blocks checked on the USDOT Form HS-7:

NOTE: Vehicles with year models that are 25 years old or older are exempt from those requirements.

3. An Automated Broker Interface (ABI) screen. The USDOT and U. S. Customs House Brokers have established an Automated Broker Interface (ABI) system that allows importers to provide USDOT HS-7 information electronically to USDOT on Customs releases. As a result, a title applicant can now provide a properly completed ABI screen that serves as U. S. Customs entry/clearance documentation and, in lieu of a USDOT Form HS-7, shows the USDOT safety requirement eligibility information normally provided on the USDOT Form HS-7. (Refer to Figures for samples of ABI screens.) The following information, at a minimum, must be included on the ABI screen:

- a. The description of the vehicle (year model, make, VIN, and model);
- b. The USDOT Form HS-7 box number of eligibility* (1, 2A, 2B, 3, 5, 7, 8, 9 & 12);
- c. U. S. Customs entry number; and
- d. A reference notation such as "USDOT" or "DOT".

*NOTE: If Box 3 is indicated, the registered importer number is also required to be shown on the ABI screen.

4. Vehicles manufactured to meet all applicable USDOT safety requirements will have a USDOT Safety Certification label affixed by the original manufacturer in the area of the driver-side door. A vehicle without this certification label must be imported as a nonconforming vehicle through a USDOT Registered Importer and post a USDOT Bond.

NOTE: A current listing of Registered Importers is available by writing to the U. S. Department of Transportation, National Highway Traffic Safety Administration (NHTSA), Room 6111, 400 Seventh Street S.W., Washington, D.C., 20590, or via the Internet on NHTSA's webpage (www.nhtsa.dot.gov/cars/rules/import).

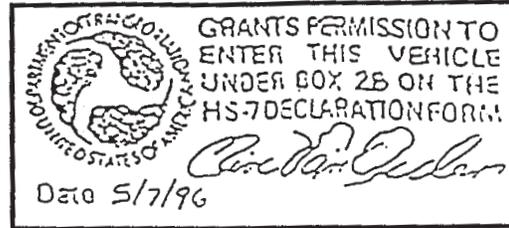
5. If the vehicle is imported under bond, one of the following documents must be submitted:

- a. An original bond release letter from the USDOT, with all attachments referred to in the letter, if any (Refer to Figure 2C for a sample Bond Release letter); or

NOTE: If Block 2B is checked on the USDOT Form HS-7: The department has been advised that the USDOT is not providing bond release letters, due to the current volume of requests. Instead USDOT is utilizing a stamp that states: "GRANDS PERMISSION TO ENTER THIS VEICLE UNDER BOX 2B ON THE HS-7 DECLARATION FORM."

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The logo for USDOT is located to the left of this wording and the date (see insert). The department will accept this completed stamp in lieu of the bond release letter from USDOT, until further notice. It is usually applied to the manufacturer's confirmation letter.



- b. In lieu of the bond release letter, bond verification letter from USDOT, or stamp, an applicant claiming exemption from the USDOT safety requirements must provide a legible copy of a USDOT Form HS-7 (yellow copy) as filed with the USDOT which confirms the exemption. These forms must be validated with an original Customs stamp. (Certified copies by U. S. Customs are also acceptable.) Refer to II, C, 2 of this section for further information.
6. There may be instances when a vehicle that was manufactured in compliance with USDOT safety requirements is imported into the United States (such as military personnel returning from overseas duty, individuals returning from Canada, etc.), and the owner is unable to produce the USDOT Form HS-7, because it is lost or misplaced; or, in the case of some Canadian vehicles, the owner failed to file documentation with U. S. Customs. In these instances, U. S. Customs may inspect the vehicle and certify whether or not the vehicle conforms to USDOT safety requirements. If it is confirmed that the vehicle complies with USDOT safety requirements, certification on U. S. Custom's letterhead and signed by a customs agent will be acceptable in lieu of the USDOT Form HS-7.
7. VTR personnel may also inspect the vehicle to confirm that a USDOT Safety Certification Label has been affixed to the driver side door area by the original manufacturer or USDOT Registered Importer. This inspection serves only as proof of compliance with USDOT safety requirements. However, U. S. Customs entry/clearance documentation must also be obtained.
8. If the U.S. Customs documentation or USDOT Form HS-7 is not properly executed and stamped, please advise the customer to call the vehicle manufacturer or U. S. Department of Transportation (USDOT) for written (letter) of vehicle compliance verification. For telephone numbers relating to manufacturers see Figure 2B. Listed below are telephone numbers for USDOT.

202/366-5302
202/366-5307
202/366-5313

DAVID COLEMAN
ROY SHANNON
RICHARD MERIT

9. Proof of compliance is also required on imported vehicles under the following conditions:
 - a. Apprehended vehicle unless the vehicle is covered under items "1, 2, 3, 4, or 5" of the Request for Non-negotiable Title for Registration Purposes Only for an Imported Vehicle, Form VTR-274.
 - b. Vehicles sold at public auction by federal, state, and local law enforcement agencies.
 - c. Vehicles with a non-USA vehicle identification number that have been seized or forfeited. (Refer to Section 501.074, IX. for further information.)
 - d. Salvage vehicles that have been placed in an operable condition.
 - e. The United States Government, Certificate to Title a Vehicle, Form 97, issued by the U. S. Government.
 - f. Storage and mechanics liens.
 - g. Court order awarding ownership to a Texas resident.

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10. The following are exceptions to the above-mentioned requirements; and in these instances, proof of USDOT safety compliance should not be required.
 - a. If a vehicle is manufactured in a foreign country and the title transaction is supported by a certificate of origin invoiced to a United States dealer or distributor.
 - b. If the title transaction covers a motor vehicle with a year model of 25 years old or older.
 - c. Vehicles imported into the United States from a U. S. Territory (Virgin Islands, Guam, Puerto Rico, American Samoa, etc.) were declared to U. S. Customs when imported into that territory and were required to meet the same standards as those vehicles imported into the United States.
 - d. Vehicles which have been titled in the United States and shipped overseas (as in the case of vehicles owned by military personnel) are required to be declared to U. S. Customs upon reentering the United States; however, an application for Texas title and registration may be accepted without USDOT proof of compliance if the vehicle is currently titled in the United States. In this case, the certificate of title is sufficient evidence to substantiate that the vehicle has met U. S. specifications.
 - e. Non-conforming commercial vehicles involved in international trade may apply for a Registration Purposes Only (RPO) title. A Request for Non-Negotiable Title for Registration Purposes Only for an Imported Vehicle, Form VTR-274, must be executed and submitted with the application for title. The USDOT Form HS-7 is not required.
 - f. Vehicles that have been seized and forfeited under Federal or State contraband laws, and have been awarded by court order to a law enforcement agency for their official use. (Refer to Section 501.074, IX. for further information.)
11. A vehicle identification number beginning with a "3" designates a vehicle which was manufactured in Mexico, but does not always mean the vehicle was not manufactured in compliance with U.S. safety standards. To quickly determine if the vehicle does meet US safety standards, a VTR Regional Office may inspect and verify that a USDOT Safety Certification Label is affixed to the driver side door area. If the US certification label is not affixed, the vehicle must be imported under contract with a Registered Importer.

Only certain vehicles manufactured for the Mexican market have been determined by NHTSA to be eligible for importation into the United States. (Refer to Figure 5 for listing of eligible vehicles.) Therefore, if the USDOT Safety Certification Label is not affixed, the title transaction must not be accepted for processing unless it is supported by:

- a. A USDOT Form HS-7 or other documentation which is acceptable in lieu of the USDOT Form HS-7 (Refer to II. D. 5 of this section); AND
- b. A USDOT Bond Release Letter or a manufacturer's confirmation letter containing the USDOT stamp (Refer to II. C. 5 of this section).

D. United States Customs entry/clearance documentation

In addition to proof of compliance with applicable United States Department of Transportation (USDOT) safety requirements, an application for Certificate of Title must also be supported by acceptable U. S. Customs entry/clearance documentation. Acceptable evidence of U. S. Customs entry/clearance may consist of:

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1. A USDOT Form HS-7 validated with an original U. S. Customs stamp. (Certified copies by U. S. Customs are also acceptable.);
2. Certification on U. S. Customs letterhead and signed by a customs agent;
3. A Bond Release Letter from USDOT that references the customs "Entry Number" and "Port Code;"
4. Any of the following U. S. Customs forms: (Refer to Figures for examples.)

Note: A USDOT Form HS-7, or other acceptable evidence of USDOT safety requirement compliance, if applicable, will be required in addition to these forms.

- a. CF 368 – Collection Receipt for Informal Entry;
 - b. CF 3299 – Declaration for Free Entry of Unaccompanied Articles;
 - c. CF 3311 – Declaration for Free Entry of Returned American Property;
 - d. CF 3461 – Entry/Immediate Delivery;
 - e. CF 3461AT – Entry/Immediate Delivery;
 - f. CF6059B – Customs Declaration (Badge number instead of signature);
 - g. CF 7501 – Entry Summary (does not require a Customs Inspector's signature); or
 - h. CF 7523 – Entry and Manifest of Merchandise Free of Duty.
5. An Automated Broker Interface (ABI) screen. (Refer to II, C, 3 of this section for further information.)

E. Under certain conditions, a title for registration purposes only may be issued on an imported vehicle that cannot be sold or titled in Texas. The owner of a non-conforming vehicle may be required to secure Texas registration for failure to display the international marker or if the foreign license plates expire or become lost or stolen. In these instances, the applicant must complete a Request for Non-negotiable Title for Registration Purposes Only for an Imported Vehicle, Form VTR-274, and will not be required to comply with USDOT standards. Only the following applicants, identified as indicated by Block 5, 7A, or 12 on the required USDOT Form HS-7, may qualify:

1. Block 5 - A nonresident (visitor). Vehicle may be temporarily registered only for one (1) year. Vehicle can not be sold and must be exported within one (1) year.
2. Block 7A - An individual who imports a vehicle for show, test, experiment, or competition. Requires USDOT approval letter to be temporarily registered for one (1) year.
3. Block 12 - A member of the armed forces or a civilian on assignment for a foreign government in excess of one (1) year. Also see civilian individual who imports a vehicle for show, test, experiment, or competition.

NOTE: When processing an RPO (Form VTR-274) on an imported vehicle, the clerk MUST select the "DOT Proof Required" remark on the additional information screen in the RTS title event to ensure that a renewal will not be printed.

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- F. If a forfeited or seized vehicle is awarded by the courts to a law enforcement agency for their official use, and the vehicle information provided indicates the vehicle does not conform to USDOT safety requirements (i.e. has a non-USA vehicle identification number) the department will issue a non-negotiable Certificate of Title for Registration Purposes Only (RPO) in the name of the law enforcement agency and the vehicle record will be marked "DOT PROOF REQUIRED." The transaction, in the name of the law enforcement agency that has been awarded the vehicle, should be submitted to the Special Plates Branch for processing and issuance of EXEMPT registration. (Refer to Section 501.074. IX. for further information.)
- G. If a title for Registration Purposes Only (RPO title) was issued on an application filed prior to June 18, 1987, the bond release letter from USDOT and/or the USDOT Form HS-7 will not be required on the subsequent application for a negotiable title. Also, if an application for title was rejected prior to June 18, 1987, for customs documentation, the bond release letter from USDOT and/or USDOT Form HS-7, if applicable, will not be required when the application is submitted.
- H. Foreign visitors or students may operate their vehicles in Texas for a period of only one (1) year provided the vehicles display current foreign license plates and an international marker and the foreign national does not establish residence or become gainfully employed. (An international marker is an oval decal displayed on the rear of a vehicle consisting of the initial(s) of the issuing country in black letter(s) on a white background. This marker shall be not less than 4.5" in height and 6.9" in width.) Foreign military and civilian personnel on assignment in Texas under a NATO agreement may operate their vehicles in Texas indefinitely, provided the vehicles display current foreign license plates and an international marker. To obtain an international marker, a Canadian student must contact:
- The Canadian Automobile Association
1145 Hunt Club Road, Suite 200
Ottawa, Ontario K1V 0Y3
FAX 613/247-0118
Phone 613/247-0117
- I. When an applicant surrenders an out-of-state title with an application for Texas title or applies for an RPO title on a vehicle that was not manufactured for sale or distribution in the U. S. (a VIN that does not meet U. S. VIN code requirements is the determining factor), the following document(s) must also be required:
1. If the out-of-state title has been issued for more than one (1) year, no additional evidence other than the Form VI-30-A will be required.
 2. However, if the out-of-state title has not been issued for one year, satisfactory evidence from the other state verifying that a bond release letter from USDOT was surrendered may be accepted, in lieu of the following documents:
 - a. An original bond release letter from USDOT (with all attachments referred to in the letter, if any).
 - b. A receipt or certificate issued by the U. S. Department of the Treasury showing that any and all gas guzzler taxes due on the vehicle have been fully paid, if applicable.
 - c. In lieu of the bond release letter from USDOT, an applicant claiming exemption from USDOT requirements must provide a legible copy of USDOT Form HS-7 (yellow copy) as filed with the U.S. Department of Transportation which confirms the exemption. These forms must be validated with an original Customs stamp. (Certified copies by U. S. Customs are also acceptable.)

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3. If an application for RPO title is filed, a copy of the out-of-state evidence showing proof of title and/or registration or written verification must be submitted confirming the date the original out-of-state title was issued.
- J. A Tax Assessor-Collector's Hearing as provided in Section 501.052 of the Certificate of Title Act is not available when the applicant cannot furnish the USDOT bond release letter or, if applicable, the proof of payment of the gas guzzler tax. However, tax assessor-collectors are not precluded from holding a hearing if the applicant can provide such documents but does not have proper evidence of ownership.

In such instances, if a hearing is requested, all interested parties must be notified, including the U. S. Customs Service, Deputy Assistant Regional Commissioner (I & C), 5850 San Felipe, Suite 500, Houston, Texas 77057.

III. Vehicles from Indian Reservation

When an applicant applies for a Texas Certificate of Title on a motor vehicle last titled by a Tribal nation, the tribal title will be accepted provided their respective jurisdiction has confirmed their acceptance of the title document. The tribal title will require the supporting documentation as that of other out-of-state titles. The States of North Dakota and Oklahoma have confirmed acceptance of tribal titles within their jurisdictions. (Refer to the Figures for a listing of tribes that are confirmed by Oklahoma.)

- IV. Only after a vehicle is required to be registered in this State is it necessary under the Title Law for an application for title to be filed with a county tax collector before such vehicle can be sold or encumbered. It therefore follows that a nonresident owner can transfer his vehicle in this State under the laws of his home state by assignment of out-of-state title or, if from a nontitle state, by current registration receipt assigned, or by bill of sale attached if the registration receipt does not contain a transfer of ownership section (the out-of-state registration receipt must reflect registration that is current or that has been expired for six months or less). This procedure is, in itself, reciprocal since a Texas resident can transfer his vehicle in any other state by assigning the back of his Texas title.
 - A. If an assignment of title is executed in favor of a person in the military who is stationed in Texas, such purchaser must secure Texas title and registration in his name; or he must register and title the vehicle in his home state before proceeding to transfer.
- V. All states now have some type of Certificate of Title Law and issue a certificate of title document to denote ownership. (Refer to the Figures for examples.) The States of Alabama, Georgia, Maine, Massachusetts, Minnesota, Mississippi, New Hampshire, New York, Rhode Island, Vermont, and Kentucky were the last nontitle states to adopt Title Laws. In most of these states, the Title Laws became effective with certain year model vehicles; and vehicles of a prior year model are excluded. Therefore, in this manual, the term "nontitle state" actually refers to those states which are in the process of making the transition to title issuing states and which, at present, exclude certain motor vehicles from the title requirements.

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- A. The following states issue registration receipts only to certain age or year model motor vehicles. All the other states issue titles to all motor vehicles.

<u>STATE</u>	<u>AGE OR YEAR MODEL OF VEHICLE</u>
AL	1974 AND PRIOR YEAR MODELS
CT	1969 AND PRIOR YEAR MODELS
GA	VEHICLES OVER 15 YEARS OLD
ME	1983 AND PRIOR YEAR MODELS
NH	VEHICLES OVER 10 YEARS
NY	1972 AND PRIOR YEAR MODELS
RI	VEHICLES OVER 10 YEARS OLD
VT	1981 AND PRIOR YEAR MODELS

All motor vehicle title transfers which include applications for special license plates with registration receipts surrendered as evidence of ownership shall be forwarded to the Customer Information Services (CIS) Branch.

- B. The first Texas registrant should attach the following evidence of ownership to his application for title covering an out-of-state motor vehicle: (NOTE: If a dealer-owned out-of-state vehicle is to be registered, the application for Texas title may be for a negotiable or non-negotiable title. Refer to Section 501.029.)

1. New and Unregistered Vehicle - A manufacturer's certificate.
2. Used Vehicle from a Title State - The out-of-state title with liens released and complete assignments, starting with the owner as shown on the face of the title, and a Form VI-30-A. (Refer to the Figures for examples.)

NOTE: A release of lien is not required if there is no transfer of ownership involved and the same lienholder as recorded on the out-of-state title is carried forward to the application for Texas title.

3. Used Vehicle from Non-title State - Current registration receipt with assignment completed to Texas applicant, or current registration receipt and bill of sale to Texas applicant; either accompanied by Form VI-30-A (the out-of-state registration receipt must reflect registration that is current or that has been expired for six months or less).

- C. Each state provides for an assignment or release of ownership on the certificate of title, and the information required in each assignment or release of ownership must be complete.

1. Different forms for transferring ownership on the title are prescribed by the several states; and the three (3) general types of assignments on out-of-state titles are as follows:
 - a. An assignment in which the seller appears before a person authorized to take acknowledgments and the purchaser's name is a part of the assignment.
 - b. An assignment in which the seller's signature is witnessed by another individual and the name of the purchaser is a part of the assignment. (A Louisiana title provides that the seller's signature may be acknowledged by a notary public; or the seller's signature may be witnessed by two (2) individuals, one (1) of whom must execute an affidavit stating that he witnessed the seller's signature.)

Transportation Code § 501.030

- c. A release of ownership in which the owner releases his interest in a motor vehicle by signing his name and dating his release in the prescribed space. (Example: Oregon.) If a title of this type provides a space for the purchaser's name in the release, it must be shown. (Example: Washington.)
2. Some states provide a space on the back of their titles for an applicant to apply directly for title. These "applications for title" may not be used as an assignment or as a reassignment of title to a motor vehicle.
3. Some states provide for additional assignments for dealers by prescribing a form to be attached to their titles in the event all the assignments are executed. These additional assignments together with the out-of-state title may be used to support an application for Texas title. A Texas Dealer's Reassignment of Title to a Motor Vehicle, Form 41-A, may be used in a like manner. (Refer to Section 501.133.)

NOTE: If all the assignments on an out-of-state title which complies with the Federal odometer disclosure requirements are executed, then out-of-state dealers must use a reassignment document which also conforms with Federal odometer disclosure requirements to transfer ownership to a Texas dealer or resident. A bill of sale may be used if all dealer reassignments sections on the out-of-state title have been completed and the state does not utilize supplemental dealer reassignment forms.

4. Non-negotiable titles issued by other states are valid only in the state in which they are issued, and such titles are not to be accepted as evidence of ownership in securing Texas Registration and Title.

NOTE: Virginia issues a certificate of title which contains the notation "non-negotiable." Such title is issued for the purpose of recording a Virginia lienholder in instances when a vehicle is purchased in that state but will be registered in another state. This type of title may be accepted as evidence of ownership to secure Texas title and registration in the name of the owner shown thereon. In addition, when the recorded lien is released, such title may also be used to transfer ownership; or the owner may secure Texas title free and clear of all liens.

5. California has an optional paperless title process. Applicants wishing to transfer a California paperless title to a Texas title must present a California duplicate title as proof of ownership. Otherwise, they may apply for a "Registration Purposes Only" (RPO) title or go through the hearing/bond process to secure a Texas negotiable title. A California Department of Motor Vehicles title application form (designated "REG 227" in the lower left corner) is not acceptable as proof of ownership.

NOTE: As other states implement this paperless title process, the same procedures will apply.

- D. Some states issue certificates of title which contain the legend "This vehicle may be subject to an undisclosed lien." These titles may be accepted in support of an application for Texas title without regard to such statement. However, the State of New Hampshire issues a "non-absolute" certificate of title which contains the legend "Warning the ownership named herein may not be absolute and this vehicle may be subject to an undisclosed lien." This type of title is not acceptable. The applicant shall be required to obtain a "clear" New Hampshire certificate of title in order to title the vehicle in Texas.
- E. "Restricted" certificates of title which are issued out of state for vehicles that cannot pass the state's motor vehicle inspection requirements are acceptable as evidence of ownership provided an Identification Certificate, Form VI-30-A, is attached verifying that the vehicle has passed the Texas safety inspection requirements.
- F. With reference to nontitle states that have converted or are in the process of converting to title issuing states (see par. A, this section, and the Certificate of Title Information for Each State), if there is any question as to whether a certificate of title has been issued, an application for Texas title must be supported by the negotiable certificate of title, or the out-of-state registration receipt and bill of sale, if the registration receipt does not contain a transfer of ownership section. The registration receipt must reflect registration that is current or that has been expired for six months or less. Verification from the proper state authorities stating that certificate of title has not been issued is also required.

Sec. 501.052. Hearing on Refusal to Issue or Revocation or Suspension of Certificate of Title; Appeal

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

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

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

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

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

Acts 1995, 74th Leg., ch. 165, Sec. 1, eff. Sept. 1, 1995.

- I. Section 501.052. provides that any person interested in a motor vehicle to which the department has refused to issue, suspended or revoked title shall be entitled to a hearing whereby his county tax collector, after examining the evidence at hand and hearing testimony from both the applicant and the department, shall determine whether title should be issued. If the tax collector sustains the department's decision, the applicant may then appeal such ruling to the County Court.
- II. In cases when there is a question as to whether an owner has sufficient evidence to secure a certificate of title, he may submit his evidence of ownership directly to the department together with a request to advise him if the department will issue title therefrom. This request must be in writing and submitted directly to one of the various Vehicle Titles And Registration Division Regional Offices located throughout the State. It will not be necessary for the owner to register the vehicle and file an official application for title prior to submitting such a request.
 - A. In the event the department determines that title cannot be issued from the evidence submitted, the applicant will be advised of the evidence needed to complete his transaction, and that if he cannot obtain such evidence, he may appeal the department's decision by requesting his county tax collector to hold a hearing. The tax collector is obligated by law to hold a hearing before requiring the applicant, as a last resort, to seek legal title through a court of competent jurisdiction. If the applicant requests a hearing, he should submit to his tax assessor-collector with his request an application for title and his evidence of ownership together with a copy of the department's letter advising him that he does not have sufficient evidence to obtain a title.

Transportation Code § 501.052.

- B. Upon receiving an application for a hearing, the tax assessor-collector shall, on that same day, notify the department of the date set for the hearing, which date shall not be less than 10 days nor more than 15 days therefrom. (It is not necessary for the tax assessor-collector to resubmit the title papers to the department with such notification.) If requested by the tax collector, the department will send a representative to attend the hearing in defense of its actions.

NOTE: Notifications of hearings should be mailed to the Vehicle Titles and Registration Division Regional Office of the region wherein the county is situated, since the department's responsibilities in such matters will be handled through the regional offices.

- C. When the tax assessor-collector sets the date for a hearing, he should notify all parties that might appear to have an interest in the vehicle in question, including the owner and lienholder of record, if any, in order that they may have an opportunity to appear at the hearing and protect their interest.
 - D. After hearing the evidence presented by all parties, if the tax collector is of the opinion that title should be issued to the applicant, he should execute a written order to that effect. The department shall abide by this decision and issue title forthwith. At the time of issuing such order, the tax collector will then be permitted to accept a formal application for certificate of title and register the motor vehicle. All evidence presented at the hearing should be attached to the order and submitted with the title application to the department.
 - E. If it should be the tax collector's decision not to overrule the department, the applicant should be notified by official letter over the tax collector's signature that he has five (5) days to appeal this decision to the County Court. If the applicant appeals to the County Court, the department should be made a party to the proceedings as well as any other interested party, including the recorded owner and any lienholder of record. If the County Court reverses the tax collector's decision, the application for title supported by a copy of the court order may be accepted. If a recorded lienholder is not made a party to the suit and the court order does not vest title clear and free of all liens, then a release of the recorded lien must be attached to the title transaction.
- III. An applicant is also entitled to a hearing in cases when his application for title is rejected by the department after having been officially filed with the County Tax Assessor-Collector. In this case, if the applicant is unable to secure the necessary evidence to satisfy the rejection and he requests the tax collector to hold a hearing, the tax collector shall return the rejected application for title and all supporting evidence when he notifies the department of the date set for the hearing. When the rejected transaction is returned, it shall be reviewed and if the department finds sufficient evidence; the tax collector shall be notified that title shall issue. Otherwise, the hearing procedure set forth in the preceding paragraphs shall be applicable.

Transportation Code § 501.074.

- C. When the Federal Deposit Insurance Corporation (FDIC) or Resolution Trust Corporation (RTC) liquidates a bank or savings and loan association, the FDIC or RTC shall be allowed to sign as "successor to" a bank or savings and loan association on any release of lien, application for certified copy of title (Form VTR-34-RTS), or repossession affidavit. No evidence of authority shall be required to accompany the document.

IV. Trustee

- A. A trustee is "one who manages property or money for another."
- B. Insofar as concerns the issuance of certificates of title to motor vehicles, house trailers, trailers, and semitrailers, a trustee may sign as such without attaching evidence of such appointment by a trustor; provided, said trustee does not sign as "TRUSTEE OF AN ESTATE," "TRUSTEE IN BANKRUPTCY," "TRUSTEE OF A TRUST," or "TRUSTEE FOR A MINOR."
- C. Trustee of an Estate - Refer to par. II., g, of this Section.
- D. Trustee in Bankruptcy - Refer to par. III., B, of this Section.
- E. Trustee of a Living Trust - Titles may reflect that the vehicle is covered by a trust agreement. The most common term requested is the notation of a "Living Trust." Generally, the purpose of such a trust is to avoid probate on the assets placed in the trust. Legal title to the assets is transferred to the trust, but the beneficiaries of the trust may have the use of those assets during the life of the trust. One of those beneficiaries may be the trustee. Typically, upon the death of the trustee(s), the trust terminates, and the assets of the trust pass to the beneficiaries (now known as "remaindermen") who hold legal title to those assets from that point in time.

In some cases, upon the death of the original trustee, the trust agreement may provide that a successor trustee distribute the assets of the trust to the beneficiaries. Distribution of the assets by the successor trustee terminates the trust.

The procedure for transferring a title to a trust is as follows:

1. The assignment of title on the current title must be executed to transfer the vehicle to the trust. The name of the purchaser on the assignment should be the name of the trust that is to be recorded on the title. For example, if the title is in the name of John and Mary Doe and title is to be issued in the name of John and Mary Doe Living Trust, John and Mary Doe should execute the assignment of title and show the purchaser as John and Mary Doe Living Trust.
2. An application for title in the name of the trust as shown on the title assignment must be executed by the trustee. The properly assigned title shall accompany the application when it is filed with the county tax office. The application for title must be signed by the trustee; however, a copy of the trust agreement will not be required to accompany the application.
3. The name of the owner on the title application should be the same as the name of purchaser as shown on the title assignment. However, due to the space constraints of the "name of owner" field on our title format it may be necessary to abbreviate some of the information when the Application for Texas Certificate of Title, Form 130-U, and the Tax Collector's Receipt for Title Application/Registration/Motor Vehicle Tax, VTR-500-RTS, or Form 31-RTS, are typed.

Transportation Code § 501.074.

The procedure for transferring a vehicle out of a trust is as follows:

1. When a vehicle that is titled in the name of a trust is transferred, the assignment of title must be executed by the trustee or by a properly named or appointed successor trustee. A certified copy of the Trust Agreement or a properly completed Affidavit of Trust (refer to Figure 49 for a sample) and copies of the pages from the Trust Agreement that identify the "Grantor(s)," and "Trustee(s)" of the trust must be filed with the title transaction.
2. If the successor trustee executes the assignment of title due to the death of the trustee, a copy of the trustee's death certificate will be required in addition to the documents referred to in (1), above.
3. If a trustee is alive but unable to act, and the trust agreement makes no specific provision for the resignation of one trustee and the designation of a successor trustee, then a court of equity (usually a district court) must be petitioned to appoint a successor trustee. The court will appoint a successor trustee and issue an order to that effect. A copy of the petition and the order will be required in addition to the documents referred to in (1), above.
4. If no successor trustee is named, the beneficiary receives the assets of the trust. The documents referred to in (1) above and the trustee's death certificate must accompany application for title. The application for title must be in the name of the beneficiary. The title does not need to be assigned.

V. Receivership

- A. Broadly speaking, a receivership divests the owner of the possession and control of his property and vests the incidents of ownership in the receiver acting as an agent of the court (much the same relation as a sheriff to a court of law). On the other hand, a receivership destroys no vested right, nor does it determine any right between the parties. In other words, the appointment of a receiver is only a temporary action of the court (prior to a "main" suit) to protect the interest of those who have claims against the property.
- B. Like an "administrator of an estate" and a "trustee in bankruptcy," a receiver is also under bond for the protection of those interested in the property in receivership against unlawful acts of the receiver. An application for title or an assignment of title need not be accompanied by an order of sale from the court, but an order of the court verifying the appointment of the receiver is necessary (verification by the county clerk will suffice). The decree or order of appointment usually describes the property to be taken into the receiver's possession.
- C. Ordinarily, the sale of a vehicle involved in receivership is conducted by the receiver; but the sheriff may act when so ordered by the court. In this case, a sheriff's bill of sale (refer to par. VI, C, of this Section) should be attached to the application for title executed by the purchaser at such sale. The purchaser, however, acquires only such title as the owner had or such as the court was authorized to convey; he does not acquire the title or interest of one who is not a party to the proceedings. On the contrary, the title of a purchaser is subject to a lien existing in one who is not a part to the receivership proceedings, except when the sale is made for the purpose of satisfying a lien, as provided by the decree of sale, the purchaser acquires title free from said lien. In other words, if a lien is recorded on the title, a release of that lien must be attached to any new application. A release need not be attached if the court has ordered that the vehicle be sold free of lien. (Attach copy of such order.) If the title is not in the name of the person, company, firm, or corporation whose property is in receivership, then proper assignment should be executed in their favor.

Transportation Code § 501.074.

8. An Identification Certificate, Form VI-30-A, shall be required if the vehicle was last registered and titled or registered out-of-state.
 9. A weight certificate shall be required to support an application for the title covering a commercial vehicle, if applicable, as explained in Section 501.025, of the Vehicle Title Manual.
 10. An application for title supported by a Form VTR 71-1 executed on or after April 1, 1997, must also include: (1) the original or copy of the latest Texas or out-of-state title and registration verification; or (2) if no record of title and registration is found, the original or copy of the newspaper publication providing the year model, make, and the vehicle identification number of the vehicle being titled.
- B. Notification and Procedure When an Abandoned Motor Vehicle is Taken into Custody by a Garagekeeper at the Request of a Law Enforcement Agency**
1. In accordance with Transportation Code Chapter 683. Abandoned Motor Vehicles, the operator of a vehicle storage facility who receives a vehicle that has been towed to the facility for storage shall, not later than the fifth day but not before 24 hours after the date the operator receives the vehicle, send a written notice to the registered owner and the primary lienholder of the vehicle. The operator of the storage facility may charge the owner of the vehicle a reasonable fee for sending the notice required by this Subsection.
 2. The notice must be sent by certified mail, return receipt requested, and must contain:
 - a. the date the vehicle was accepted for storage;
 - b. the first day for which a storage fee is assessed;
 - c. the daily storage rate;
 - d. the type and amount of all charges to be paid when the vehicle is claimed;
 - e. the full name, street address, and telephone number of the facility;
 - f. the hours during which the owner may claim the vehicle; and
 - g. the facility license number preceded by "Texas Department of Transportation Vehicle Storage Facility License Number."
 3. A notice is considered to be timely filed, if the postmark shows that it was mailed within the five-day period provided in 1. Above.
 4. The provisions of Section 683.031, (Garagekeeper's Duty: Abandoned Motor Vehicles), and Section 683.032, (Garagekeeper's Fees and Charges), require the garagekeeper to report the abandonment of the motor vehicle and pay a \$5.00 fee to the law enforcement agency that authorized the tow within 7 days (amendment of Senate Bill 560) of the vehicle being deemed abandoned within 17 days of being in the possession of the garagekeeper. A garagekeeper who fails to report an abandoned vehicle to a law enforcement agency within 7 days after the date it becomes abandoned may no longer claim reimbursement for storage of the vehicle. In such instances, the garagekeeper is only entitled to limited storage of not more than 5 days, in addition to towing, notification, and preservation fees incurred on the abandoned vehicle.

Transportation Code § 501.074.

Within 10 days of receiving an abandoned motor vehicle report and the applicable fee from a garagekeeper, the law enforcement agency that authorized the tow is required to notify the registered owner and lienholder of record. The certified notification addressed in Subsection VIII., paragraph A., 1., of this Section shall be mailed.

The provisions of Senate Bill 560, Acts of the 74th Texas Legislature, Regular Session, 1995, amended the Texas Litter Abatement Act to provide the garagekeeper with a disposal option if the vehicle is not taken into custody by the law enforcement agency within 31 days after the notification is mailed. (This has been recodified under Section 683.034.) Rather than disposing of the vehicle through a law enforcement agency public auction (refer to the procedures set forth in Subsection VIII., paragraph A., 2. through 6., of this Section), the garagekeeper may opt to dispose of the vehicle under Chapter 70 of the Property Code. The law enforcement agency notification that was sent in accordance with this statute satisfies the notification requirement under Chapter 70.

5. If the garagekeeper opts to dispose of the abandoned motor vehicle under Chapter 70 of the State Property Code, the law enforcement agency is required to either:
 - a. Complete item number 5 of B. (STORAGE LIEN INFORMATION) of the Storage Lien for Abandoned Vehicle or Private Tow, Form VTR 265-S, for the garagekeeper, or
 - b. Surrender to the garagekeeper the law enforcement agency certified receipts and any unopened certified mail returned as undeliverable by the post office for the specific vehicle. If the PS Form 3800 is unavailable, a copy of the PS Form 3877 can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. postal date stamp and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.

NOTE: If the sale was held before the new Form VTR 265-S was available, the previous Form D12-265 and the attachment 5 of B. (STORAGE AND MECHANIC'S LIEN INFORMATION) properly completed by law enforcement is acceptable.

C. Garagekeepers and Abandoned Motor Vehicles

1. The provisions of Section 683.031 (Garagekeeper's Duty: Abandoned Motor Vehicles) of the Transportation Code deems "abandoned" those motor vehicles which are left in a storage facility operated for commercial purposes (garage, parking lot, or any type of facility or establishment for the servicing, repairing, storing, or parking of motor vehicles) under any of the following conditions:
 - a. Any motor vehicle left for more than 10 days in a storage facility operated for commercial purposes after notice by registered or certified mail, return receipt requested, to the owner and any lienholder of record to pick up the vehicle.
 - b. Any motor vehicle left for more than 10 days after the period when, pursuant to contract, the vehicle was to remain on the premises of such storage facility; or
 - c. Any motor vehicle left for more than 10 days in such storage facility by someone other than the registered owner or a person authorized to have possession of the motor vehicle under a contract of use, service, storage, or repair.

Transportation Code § 501.074.

2. A motor vehicle deemed abandoned under any of the preceding conditions shall be reported by the garagekeeper to the law enforcement agency within 7 days after it becomes abandoned. (A \$5.00 fee must accompany the report.) The law enforcement agency shall then follow the notification procedures set forth in Subsection VIII., paragraph A., 1., of this Section. Custody of the vehicle shall remain with the garagekeeper until after the notification requirements have been completed. Any such abandoned vehicle which is not reclaimed shall be taken into custody by the law enforcement agency and sold at public auction in the same manner and under the same conditions as explained in Subsection VIII., paragraph A., 2. through 6., of this Section. The proceeds of the sale shall be first applied to the garagekeeper's charges for servicing, storage, or repair; provided, however, the law enforcement agency be compensated in the amount of 2% of the sale or all of the proceeds if the gross proceeds are less than \$10.00, for the expense incurred in handling and auctioning the vehicle.
3. However, if the law enforcement agency does not take the motor vehicle into custody within 31 days after the notification is mailed, the garagekeeper may opt to dispose of the vehicle under Chapter 70, the certified notification sent by the law enforcement agency satisfies the notice requirement of Chapter 70.

NOTE: This option is only available if the law enforcement agency complies with the notification requirements of Section 683.012, (Taking Abandoned Motor Vehicle Into Custody: Notice). (Refer to Subsection VIII., paragraph A., 1.)

However, if the law enforcement agency does not comply with the notification requirements, a licensed vehicle storage facility operator may pursue disposal of any nonconsent vehicle stored under the provisions of the Abandoned Motor Vehicles.

4. Under the provisions of Chapter 70 of the Property Code, the abandoned motor vehicle may not be sold at public auction unless a release of lien is obtained, if a lien is shown on the record of title or ownership.

IMPORTANT! In any instance, when record of title or ownership cannot be established either in Texas or out-of-state, foreclosure must be through a court of competent jurisdiction.

5. Abandoned motor vehicles disposed of in this manner shall be transferred to the purchaser by the garagekeeper on the Storage Lien for Abandoned Vehicle or Private Tow, Form VTR 265-S. In lieu of the law enforcement agency certified receipts and any unopened certified mail returned as undeliverable by the post office, the garagekeeper may request the law enforcement agency to complete item number 5 of B. (STORAGE LIEN INFORMATION) Additionally, item number 2 of C. (FORECLOSURE INFORMATION) must be completed by garagekeeper

NOTE: If the sale was held before the new Form VTR 265-S was available, the previous Form D12-265 and the attachment 5 of B. (STORAGE AND MECHANIC'S LIEN INFORMATION) properly completed by law enforcement is acceptable.

Transportation Code § 501.074.

6. The purchaser must file an Application for Texas Certificate of Title, Form 130-U, with the County Tax Assessor-Collector where the vehicle was purchased or the purchaser resides unless purchased by a motor vehicle dealer, motor vehicle salvage yard owner, or demolisher. The following evidence must be submitted in support of the application:
 - a. Verification of title and registration;
 - b. A copy of valid proof of liability insurance in the title applicant's name;
 - c. A release of lien for any lien properly recorded in Texas or out-of-state, if applicable;
 - d. The law enforcement agency certified receipts and any unopened certified mail returned as undeliverable by the post office, unless item number 5 of B. of the Storage Lien for Abandoned Vehicle or Private Tow, Form VTR 265-S, or a copy of the PS Form 3877 can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. postal date stamp and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.
 - e. A pencil tracing of the motor and serial numbers may be required at times to establish the vehicle's correct identity;
 - f. If the vehicle was last registered and titled or registered out-of-state, the following documentation is also required;
 1. An Identification Certificate, Form VI-30-A.
 2. Verification of ownership and lien information from proper state, and
 3. Weight certificate on a commercial vehicle, if applicable, as explained in Section 501.025 of the Vehicle Title Manual.

D. Disposal to Demolisher

1. The provisions of Section 683.051 (Application for Authorization to Dispose of Certain Motor Vehicles) of the Transportation Code (formerly the Texas Litter Abatement Act) provides a procedure whereby any person, firm, corporation, or unit of government upon whose property or in whose possession is found any abandoned motor vehicle or any person being the owner of a motor vehicle whose title is faulty, lost, or destroyed may apply to the department for authority to sell, give away, or dispose of the vehicle to a demolisher for demolition, wrecking, or dismantling only. (A \$2.00 fee must accompany the application, except where a unit of government is applying.)
2. Upon approval of the application, the department will issue to the applicant a "Certificate of Authority to Dispose of a Motor Vehicle to a Demolisher for Demolition, Wrecking or Dismantling Only," Form MVD 71-3.
3. A vehicle disposed of in this manner shall not be reconstructed, made operable, or retitled nor shall the component part of such vehicle upon which the recognized vehicle identification number appears be used in the construction of another vehicle, such as an assembled vehicle, rebuilt vehicle, body change, etc.

Mechanic's Lien: Possession Obtained Prior to September 1, 1999 (continued)

(6) In addition to the Form VTR 265-M with a revision date of 12-97, an Application for Texas Certificate of Title, Form 130-U, is required in the name of the purchaser and must be supported by the following:

(a) Verification of current title and registration record from Texas or out of state;

NOTE: If a garageman sends a request for title and registration verification to the state of record (by certified mail) and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions the state elects to forward the garageman's notification to the owner(s) and lienholder(s) for notification purposes, the original letter(s) from the state of record, along with certified receipts for each notification sent to the state, will be acceptable in lieu of title and registration verification from the state of record.

(b) Valid proof of financial responsibility, covering the described vehicle, in the applicant's name; (Refer to Transportation Code, Chapter 601. Motor Vehicle Safety Responsibility Act.)

(c) A copy of the work order unless item B. 4. on the form is completed;

(d) Proof of notifications to the last known registered owner and each lienholder of record. Proof of certified mail shall consist of the receipt for certified mail (PS Form 3800) and return receipt (PS Form 3811), together with any unopened certified letter(s) returned by the post office as undeliverable. A copy of the PS Form 3877 can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. postal date stamp and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.

(e) A pencil tracing of the motor and serial numbers may be required at times to establish the vehicle's correct identity;

(f) If the vehicle was last registered or titled out-of-state, the following is also required:

(i) Identification Certificate, Form VI-30-A.

(ii) Weight certificate for commercial vehicle as explained in Section 502.162 Fee: Commercial Motor Vehicle or Truck-Tractor.

(7) If any amount of the charges include storage fees, a second notification must be made by certified mail to the registered owner and lienholder and the Storage Lien Abandoned Vehicle or Private Tow, Form VTR 265-S, with the revision date prior to 9/99 must also be completed. A release of lien is also required if any portion of the amount due represents charges for storage or foreclosure must be through a court of competent jurisdiction.

b. Mechanic's Lien: Possession Obtained On or After September 1, 1999

NOTE: If unable to determine where the vehicle was last registered this method of disposal of the vehicle cannot be used. Disposal of the vehicle must be by court order through a court of competent jurisdiction.

- (1) Possession - Must have continued for 30 days after the charges accrued and the charges due have not been paid.
- (4) Foreclosure Notice - Thirty days after the day on which repair charges accrue, the person claiming the lien shall notify the owner(s) and lienholder(s) of record by certified mail, return receipt requested, of the charges due and request payment. **The notice must also be sent to the address that appears on the work order/document authorizing possession, if the addresses are different from the address on the motor vehicle record.** Notice by newspaper publication may be permitted. See (6) below.
- (5) Storage Notice, if applicable - If any amount of the charges include storage fees, a second notification must be made by certified mail to the registered owner and lienholder, or see (6) below for applicable notice by newspaper publication. If last registered outside of Texas, notice must be made within 14 days of obtaining possession. A Storage Lien for Abandoned Vehicle or Private Tow, Form VTR 265-S with a revision date of 9/99 or after, must also be completed. A release of lien is also required if any portion of the amount due represents charges for storage; otherwise, foreclosure must be through a court of competent jurisdiction.
- (6) Public Sale - If charges are not paid before the 31st day after the day on which notice of the amount of charges was mailed or published, the possessory lienholder may sell the vehicle at public sale without obtaining a release of lien. The proceeds shall be applied to the payment of charges and the balance shall be paid to the person entitled to it.
- (7) Application for Title - The highest bidder at public sale must apply for title.
- (8) Notifications to the Owner(s) and Lienholder(s), if any- In lieu of written notification, publication of the notice(s) in a newspaper of general circulation in the county in which the vehicle is stored may be used only if **ALL** of the following apply:
 - (a) the motor vehicle is registered in another state;
 - (b) the holder of the lien submits a written request by certified mail, return receipt requested, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner and any lienholder of record;
 - (c) the holder of a lien:
 - (i) is advised in writing by the governmental entity with which the motor vehicle is registered that the entity is unwilling or unable to provide information on the last known registered owner or any lienholder of record; or

Mechanic's Lien: Possession Obtained On or After September 1, 1999 (continued)

- (ii) does not receive a response from the governmental entity with which the motor vehicle is registered on or before the 21st day after the date the holder of the lien submits a request under (2).
- (d) the identity of the last known registered owner cannot be determined;
- (e) the registration does not contain an address for the last known registered owner; and
- (f) the holder of the lien cannot determine the identities and addresses of the lienholders of record.

NOTE: The holder of the lien is not required to publish notice, if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed or refused or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

(7) Evidence Required to Support the Application for Title

(a) Form VTR-265-M properly completed by the statutory lienholder

(b) Verification of Title and Registration

If registered in Texas - Verification of Texas title and registration is required.

If registered outside of Texas - Verification of title and registration from the state of record, if available. If not available, the following may be provided in lieu of title and registration verification from the state record:

- (i) If a holder of a lien sends a request for title and registration verification to the state of record (by certified mail) and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions the state elects to forward the notification to the owner(s) and lienholder(s) for notification purposes, the original letter(s) from the state of record, along with certified receipts for each notification sent to that state, will be acceptable; or
- (ii) If notification is made by newspaper publication, proof that a correctly addressed request for the name and address of the last known registered owner(s) and lienholder(s) was sent to the state of record by certified mail with return receipt requested. Proof shall consist of a copy of the request sent along with certified receipts for the notification sent to the state of record.

(c) Proof of notifications

(i) Notice by Certified Mail

Proof shall consist of the U.S. Post Office validated (date stamped) receipts for certified mail (PS Form 3800) and return receipt (PS Form 3811), together with any unopened certified letter(s) returned by the post office as undeliverable, unclaimed, or due to no forwarding address. A copy of the PS Form 3877 can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. postal stamp and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.

Mechanic's Lien: Possession Obtained On or After September 1, 1999 (continued)

- (ii) Notice by Newspaper Publication (Only if applicable)
Proof shall consist of evidence of the certified request (same as listed above for certified mail) sent to the state of record requesting verification of owner(s) and lienholder(s), AND a legible photocopy of the newspaper publication which includes the name of the publication and the date of publication.
- (iii) A copy of current proof of liability insurance in the applicant's name.
- (iv) Work Order – Attach a copy of the work order unless item 4 of B (on the front of the form) is completed.
- (v) A pencil tracing of the motor and serial numbers may be required to establish the vehicle's correct identity.
- (vi) If the vehicle was last registered outside of Texas, the following documentation is also required:
 - aa. Identification Certificate (Form VI-30-A) and
 - bb. Weight certificate on a commercial vehicle.
- c. Mechanics' liens occurring out-of-state should be cleared by the state in which the lien was created.
- d. When a vehicle is lawfully acquired at public auction pursuant to a Mechanic's Lien Foreclosure Sale and the vehicle is of such little value that it does not warrant the expense of registration and title, the purchaser may, at his option, apply to the department for a special Certificate of Authority to dispose of the vehicle to a demolisher for demolition, wrecking, or dismantling only. Application for such certificate must be made on the Form VTR-70 (Affidavit & Application for Certificate to Dispose of Vehicle Purchased at Statutory Storage-Mechanics Lien Foreclosure Sale), accompanied by the Mechanic's Lien Foreclosure, Form VTR 265-M, with either a revision date prior to 9/99 if the vehicle was obtained prior to September 1, 1999, or revision date of 9/99 or later if the vehicle was obtained on or after September 1, 1999, and all related forms necessary to support the foreclosure transaction.

H. Storage Lien (Disposal under Chapter 70, Property Code)

When a storage lien is acquired on a motor vehicle under the provisions of the Property Code, Chapter 70, Subchapter A, Section 70.003, such lien may be disposed of in accordance with the provisions of Sections 70.004 of said code. Generally, a storage lien can be created only when a vehicle is stored pursuant to a contract or agreement between a garagekeeper and the vehicle owner or a person who has authority to contract for such services.

NOTE: A garagekeeper may opt to dispose of an abandoned vehicle under Chapter 70 of the Property Code, if the vehicle was not taken into custody by law enforcement within 31 days after the notification required under Section 683.034 (Disposal of Vehicle Abandoned in Storage Facility) of the Transportation Code (Formerly Section 5.03 of the Texas Litter Abatement Act), was mailed. In such cases, garagekeepers must comply with the procedures addressed in Subsection VIII., paragraph C., 2. through 6., of this Section.

House Bill 1356 of the 76th Legislative Session amended Property Code, Chapter 70, to provide an alternative means for notification of the vehicle owner(s) and lienholder(s) in certain situations, if possession occurred on or after September 1, 1999.

As a result of these amendments, two procedures for storage lien foreclosure on a vehicle are provided below. The procedure to be used is dependent on the time period in which the holder of the lien obtained possession of the vehicle. If possession of the vehicle was obtained:

1. Prior to September 1, 1999, the procedure outlined in subsection a. must be followed; or
2. On or after September 1, 1999, the procedure outlined in subsection b. must be followed.

a. Storage Lien: Possession Obtained Prior to September 1, 1999

NOTE: When record of title or ownership cannot be established either in Texas or out-of-state, foreclosure must be through a court of competent jurisdiction.

- (1) If possession of the vehicle was obtained under the provisions of state law or city ordinance, the person claiming the lien shall, within 10 days of obtaining such possession, notify by certified mail, return receipt requested, the last known registered owner and all lienholders of record to pick up the vehicle and shall request payment.
- (2) The notice shall state the location of the vehicle and the charges due. Charges of reasonable storage fees are limited for a maximum of 5 days only until such notice is mailed. The notice must be sent to an address that appears either on the motor vehicle record or the work order/document authorizing possession.
 - (a) When the notice is sent to the address on the title record and the Postal Form 3811 is signed by the owner, notification has been made. If the notice is marked undeliverable by the Post Office, the notice should be sent to the address shown on the work order/document authorizing possession (if available).
 - (b) If the charges due are not paid within 30 days after the day on which notice of the amount of charges was mailed, a second certified notice is required to be sent.

Storage Lien: Possession Obtained prior to September 1, 1999 (continued)

- (c) If the charges due are not paid within 30 days after the day on which the second notice of the amount of charges was mailed, the possessory lienholder may sell the vehicle at public sale and apply the proceeds to the payment of said charges and pay the balance to the person entitled to it.
- (3) Vehicles sold to the highest bidder at public sale in accordance with the above must be transferred to the purchaser on the department's prescribed form, Storage Lien Abandoned Vehicle or Private Tow, Form VTR 265-S, with a revision date prior to 9/99.

NOTE: If the sale was held before the new Form VTR 265-S was available, the previous Form D12-265 is acceptable.

- (4) In addition to the Form VTR 265-S an application for title in the name of the purchaser must be supported by the following:
 - (a) Verification of current title and registration record from Texas or out of state.

NOTE: If a holder of a lien sends a request for title and registration verification to the state of record (by certified mail) and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions the state elects to forward the notification to the owner(s) and lienholder(s) for notification purposes, the original letter(s) from the state of record, along with certified receipts for each notification sent to that state, will be acceptable in lieu of title and registration verification from the state of record.

- (b) Proof of notifications to the last known registered owner and any lienholder of record. Proof of certified mail shall consist of the receipt for certified mail (PS Form 3800) and return receipt (PS Form 3811), together with any unopened certified letter(s) returned by the post office undeliverable. A copy of the PS Form 3877 can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. postal date stamp and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.
- (c) A copy of the document authorizing possession, if available.
- (d) A release of lien must be attached for any lien properly recorded in Texas or out-of-state;
- (e) Valid proof of financial responsibility in the applicant's name; (Refer to Section 502.152 of the Vehicle Registration Manual.)
- (f) A pencil tracing of the motor and serial numbers may be required at times to establish the vehicle's correct identity.
- (g) If vehicle was last registered or titled out-of-state, the following is also required:
 - (i) Identification Certificate, Form VI-30-A.
 - (ii) Weight certificate of commercial vehicle as explained in Section 501.025 of the Vehicle Title Manual.

b. Storage Lien: Possession Obtained On or After September 1, 1999

NOTE: If unable to determine where the vehicle was last registered this method of disposal of the vehicle **cannot** be used. Disposal of the vehicle must be by court order through a court of competent jurisdiction.

- (1) First Notice - If last registered in Texas, notice must be made within 5 days of obtaining possession. If last registered outside of Texas, notice must be made within 14 days of obtaining possession. The 1st notice to the last known owner(s) and lienholder(s), if any, must be sent by certified mail, or only if applicable, notice by newspaper publication. See (5) below.
- (2) Second Notice - If charges are still unpaid 31 days after the 1st notice was made, the 2nd notice must be sent by certified mail, or only if applicable, notice by newspaper publication, to the last known owner(s) and lienholder(s), if any. See (5) below.
- (3) Public Sale - If charges are not paid before the 31st day after the 2nd notice was made, the possessory lienholder may sell the vehicle at public sale. A release of lien is required, if so indicated on the Texas or out-of-state title and registration verification. The proceeds shall be applied to the payment of charges and the balance shall be paid to the person entitled to it.
- (4) Application for Title - The highest bidder at public sale must apply for title.
- (5) Notifications to the Owner(s) and Lienholders(s), if any - In lieu of written notification, publication of the notice(s) in a newspaper of general circulation in the county in which the vehicle is stored may be used only if ALL of the following apply:
 - (a) the motor vehicle is registered in another state;
 - (b) the holder of the lien submits a written request by certified mail, return receipt requested, to the governmental entity with which the motor vehicle is registered requesting information relating to the identity of the last known registered owner and any lienholder of record;
 - (c) the holder of a lien:
 - (i) is advised in writing by the governmental entity with which the motor vehicle is registered that the entity is unwilling or unable to provide information on the last known registered owner or any lienholder of record; or
 - (ii) does not receive a response from the governmental entity with which the motor vehicle is registered on or before the 21st day after the date the holder of the lien submits a request under (1).
 - (d) the identity of the last known registered owner cannot be determined;
 - (e) the registration does not contain an address for the last known registered owner; and
 - (f) the holder of the lien cannot determine the identities and addresses of the lienholders of record.

Storage Lien: Possession Obtained On or After September 1, 1999 (continued)

NOTE: The holder of the lien is not required to publish notice, if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed or refused or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

(6) Evidence Required to Support the Certificate of Title Application

(a) Form VTR-265-S (Storage Lien for Abandoned Vehicle or Private Tow) properly completed by the statutory lienholder.

(b) Verification of Title and Registration

If registered in Texas – Verification of Texas title and registration is required.

If registered outside of Texas – Verification of title and registration from the state of record, if available. If not available, the following may be provided in lieu of title and registration verification from the state of record:

(i) If a holder of a lien sends a request for title and registration verification to the state of record (by certified mail) and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions, the state elects to forward the lienholder's notification to the owner(s) for notification purposes, the original letter(s) from the state of record, along with certified receipts for each notification sent to that state, will be acceptable; or

(ii) If notification is made by newspaper publication, proof that a correctly addressed request for the name and address of the last known registered owner(s) and lienholder(s) was sent to the state of record by certified mail with return receipt requested. Proof shall consist of a copy of the request sent along with certified receipts for the notification sent to the state of record.

(c) Proof of Notifications (required for both first and second notices and, if applicable, requests sent to the state of record.)

Notices by Certified Mail – Proof shall consist of the U.S. Post Office validated (date stamped) receipts for certified mail (PS Form 3800) and return receipt (PS Form 3811), together with any **unopened** certified letter(s) returned by the post office as undeliverable, unclaimed, or due to no forwarding address. A copy of the PS Form 3877 can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. Postal date stamp and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.

(If this form is used for storage lien foreclosure on an abandoned vehicle authorized to be towed by law enforcement, Items 5 of B and 2 of C must be completed. However, the law enforcement certified receipts and any unopened certified letter(s) returned as undeliverable by the post office may be attached in lieu of completing item 5 of B. Otherwise, the notices described above are not required.)

Notice by Newspaper Publication (Only if applicable) – Proof shall consist of evidence of the certified request (same as listed above for certified mail) sent to the state of record requesting verification of owner(s) and lienholder(s), AND a legible photocopy of the newspaper publication which includes the name of the publication and the date of publication.

**VSF Storage Lien: Possession Obtained between September 1, 1997 and August 31, 1999
(continued)**

- (6) The proceeds from the sale of the vehicle are to be applied to the payment of any charges and the balance if any, paid to the person entitled to it.
- (7) Vehicles sold to the highest bidder at public sale in accordance with the above must be transferred to the purchaser on the department's prescribed form, Form 265-VSF, Storage Lien for Licensed Vehicle Storage Facility, with a revision date prior to 9/99. The purchaser then may apply for a certificate of title in their name or a Certificate of Authority to Demolish (See Section I.d. for further information).
- (8) In addition to the Form VTR 265-VSF, an application for title in the name of the purchaser must be supported by the following:
 - (a) Verification of current title and registration record from Texas or the state of record, whichever applies.

Note: If a VSF sends a request for title and registration verification to the state of record (by certified mail) and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions the state elects to forward the VSF's notification to the owner(s) and lienholder(s) for notification purposes, the original letter(s) from the state of record, along with certified receipts for each notification sent to that state, will be acceptable in lieu of title and registration verification from the state of record.
 - (b) The receipt for certified mail (PS Form 3800) and return receipt (PS Form 3811), together with any unopened certified letter(s) returned by the post office as undeliverable. A copy of the PS Form 3877 can be accepted in lieu of a PS Form 3800, provided the form contains a U.S. postal date stamp and the "Article Number" on all documentation (PS Form 3811, PS Form 3877, unopened envelope) corresponds. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.
 - (c) If foreclosure is in accordance with a city ordinance, the bill of sale reflecting the ordinance number under which removal and sale was authorized, and a copy of the city ordinance authorizing possession.
 - (d) A copy of current proof of liability insurance in the applicant's name, covering the described vehicle. (Refer to Section 502.152 of the Vehicle Registration Manual.)
 - (e) A pencil tracing of the motor and serial numbers may be required at times to establish the vehicle's correct identity.
 - (f) If the vehicle was last registered or titled out-of-state, the following is also required:
 - i. Identification Certificate, Form VI-30-A.
 - ii. Weight certificate for a commercial vehicle as explained in Section 501.025, of the Vehicle Title Manual.

b. VSF Storage Lien: Possession Obtained On or After September 1, 1999

NOTE: This method of disposal (under V.C.S., Article 6687-9a) cannot be used if the vehicle was last registered in Texas and the registered owner(s) and lienholder(s) cannot be established, or the VSF is unable to determine where the vehicle was last registered.

(1) The VSF's possession of the vehicle must have been in conjunction with a non-consent private property or law enforcement tow and the vehicle must have been taken to a vehicle storage facility licensed by the Motor Carrier Division.

(2) Notifications

All notifications are required to be written notices made by certified mail, return receipt requested, unless certain criteria apply. Only if ALL of the following apply, may notification be made by publication in a newspaper of general circulation in the county in which the vehicle is stored:

(a) The vehicle is registered in another state;

(b) The VSF has sent a correctly addressed request, by certified mail with return receipt requested, to the applicable state requesting the name and address of the last known registered owner(s) and lienholder(s), if any;

(c) The identity of the last known owner(s) cannot be determined;

(d) The registration does not contain an address for the last known owner(s); AND

(e) The identity and address of the lienholder(s), if any cannot be determined.

NOTE: The holder of the lien is not required to publish notice, if a correctly addressed notice is sent with sufficient postage and is returned as unclaimed or refused or with a notation that the addressee is unknown or has moved without leaving a forwarding address.

(3) All notifications shall include the information required by the Motor Carrier Division regulations. For information concerning these requirements, call: 1-800-299-1700 (select option 3).

(4) First Notice

The vehicle storage facility must notify, by certified mail, return receipt requested, or if applicable by newspaper publication, the last known registered owner and all lienholders of record to pick up the vehicle and shall request payment. If the vehicle was last registered:

(a) In Texas, the first notification must be made within 5 days of taking the vehicle into possession; or

(b) Outside of Texas, the first notification must be made within 14 days of taking possession of the vehicle.

(5) Notification to Law Enforcement

A vehicle is deemed abandoned, by statute, Transportation Code, 683.031(a), 10 days after the date the 1st notice was made. The VSF must report the motor vehicle as abandoned to law enforcement within 7 days of the deemed abandoned date. Upon receipt of this report, law enforcement has 10 days to send another notice by certified mail to the registered owner(s) and lienholder(s).

VSF Storage Lien: Possession Obtained On or After September 1, 1999 (continued)

- (6) **Second Notice**
If law enforcement does not take custody of the vehicle, or if the charges due are not paid, before the 41st day after the first notice was given the VSF is required to make a second notification to the registered owner(s) and lienholder(s) by certified mail or newspaper publication, if applicable.
- (7) **Public Sale**
If the charges are not paid before the 30th day after the 2nd notice is given, the VSF may sell the vehicle at a public sale without a court order or release/discharge of any lien on the vehicle. The proceeds from the sale of the vehicle are to be applied to the payment of any charges and the balance, if any, paid to the person entitled to it.
- (8) **Application for Title**
Vehicles sold to the highest bidder at public sale in accordance with (7) above, must be transferred to the purchaser on the department's prescribed form, Form VTR-265-VSF, Storage Lien for Licensed Vehicle Storage Facility, with a revision date of 9/99 or later. The purchaser then may apply for a certificate of title in their name or a Certificate of Authority to Demolish. (See Section I., d. for further information).
- (9) **Evidence Required to Support the Application for Title**
In addition to the Form VTR-265-VSF, the following must support the application for title in the name of the purchaser:
- (a) **Verification of title and registration**
If last registered in Texas – Verification of title and registration is required.
If last registered outside of Texas – Verification of title and registration from the state of record, if available. If not available, the following may be provided in lieu of title and registration from the state of record:
- i. If a VSF sends a request for title and registration verification to the state of record (by certified mail) and is informed by letter from that state that due to the Driver's Privacy Protection Act restrictions the state elects to forward the VSF's notification to the owner(s) and lienholder(s) for notification purposes, the original letter(s) from the state of record, along with certified receipts for each notification sent to that state, will be acceptable; or
- ii. If notification is made by newspaper publication, proof that a correctly addressed request for the name and address of the last known registered owner(s) and lienholder(s) was sent to the state of record by certified mail with return receipt requested. Proof shall consist of a copy of the request sent along with certified receipts for each notification sent to the state of record.
- (b) **Proof of notifications (Required for both 1st & 2nd notices and, if applicable, requests sent to the state of record).**
- i. **Notices Made by Certified Mail** - Proof shall consist of the U.S. Post Office validated (date stamped) receipts for certified mail (PS Form 3800) or a legible photocopy of the Form PS 3877, and PS Form 3811, together with any unopened certified letter(s) returned by the post office as undeliverable, unclaimed, or due to no forwarding address. A copy of the PS Form 3811-A or a print-out of the U.S. postal service's electronic track/confirm screen may be accepted in lieu of the PS Form 3811 when the post office loses the return receipt (PS Form 3811), or the unopened certified letters that should have been returned as undeliverable, unclaimed or no forwarding address.

VSF Storage Lien: Possession Obtained On or After September 1, 1999 (continued)

- ii. Notices Made by Newspaper Publication – (Only if applicable) Proof shall consist of evidence of the certified request (same as listed above for certified mail) sent to the state of record requesting verification of owner(s) and lienholder(s), AND a legible photocopy of the newspaper publication which includes the name of the publication and the date of publication.
- iii. A copy of current proof of liability insurance in the applicant's name, covering the described vehicle (Refer to Section 502.152 of the Vehicle Registration Manual.);
- iv. If foreclosure is in accordance with a city ordinance, the bill of sale shall refer to the ordinance number under which removal and sale was authorized and a copy of the city ordinance must be attached; and
- v. A pencil tracing of the motor and serial numbers may be required to establish the vehicle's correct identity.
- vi. If the vehicle was last registered outside of Texas, the following documentation is also required:
 - aa. Identification Certificate (Form VI-30-A) and
 - bb. Weight certificate for a commercial vehicle as explained in Section 501.025 of the Vehicle Title Manual.
- c. Storage liens occurring in other states should be cleared by the state in which the lien was created.
- d. When a vehicle is lawfully acquired at public auction pursuant to a Storage Lien Foreclosure Sale and the vehicle is of such little value that it does not warrant the expense of registration and title, the purchaser has the option of applying to the department for a special Certificate of Authority to Demolish to dispose of the vehicle to a demolisher for demolition, wrecking, or dismantling only. Application for such certificate must be made on the Form VTR-70 (Affidavit & Application for Certificate to Dispose of Vehicle Purchased at Statutory Storage-Mechanics Lien Foreclosure Sale), accompanied by the applicable storage foreclosure form (Form VTR-265-VSF, with either a revision date prior to 9/99 if the vehicle was obtained prior to September 1, 1999, or revision date of 9/99 or later if the vehicle was obtained on or after September 1, 1999), and all related forms necessary to support the foreclosure transaction.

- C. Statements of fact are requested to explain errors, corrections, or conditions from which doubt does or could arise concerning the legality of any instrument. A statement of fact is usually required to be executed by a person relevant to the instrument in question. The reader should keep in mind, however, that conditions will arise which necessitate that a particular person execute the statement of fact. (Examples: The execution of such statement is restricted to the seller if the purchaser's name or date on the assignment has been erased or blacked out or if such execution is restricted to the lienholder on any question concerning the lien information. However, completely erased lien information on the assignment of manufacturers' certificates requires a statement of fact to be executed by the seller shown on such assignment. Additionally, a statement of fact from the person in question is necessary to clarify that he or she is one and the same person, such as in situations where the name on a title is different from the signature on an assignment due to a name change resulting from marriage or divorce, or indicates Sr./Jr.)

The requests for statements of fact would be greatly reduced if the incorrect information shown on the assignment (or any other instrument) was not erased but only lined through and the correct information shown. If an obvious error is lined through and the correct information is shown, the transaction will be accepted, provided there is no conflict elsewhere in the transaction.

- D. In instances when an original or a certified copy of a document, such as a will, power of attorney, chattel mortgage, letters testamentary, etc., is required to support a title transaction but the applicant does not wish to relinquish the original or certified copy of the document, the tax collector or deputy may, after verifying the authenticity of the document, allow a copy of such document to be made and attached to the title transaction. In such instances, the tax collector or deputy should make a signed statement on the border of the copy that it is a true copy of the original.

E. Lost Title Report or Transaction.

1. In the event a tax collector mails a title report to the Title Control Systems Branch (TCS) at Austin Headquarters and it is determined that the title report has been lost in the mail, it is after twenty (20) working days and the title has not been issued, the tax collector should first notify their local Regional Office, then refer to the following instructions below:
 - a. A copy of the Title Report will be generated by TCS.
 - b. Copies of the Forms VTR-500-RTS that accompanied the original report do not have to be resubmitted; TCS will access vehicle inquiry event and produce the receipt.
 - c. Copies of Forms 31-RTS must be faxed to TCS.
2. When a transaction is rejected or received by the department and it is determined lost, the same basic procedure as outlined in paragraph 1 above shall also apply. Since these will be individual transactions and not covered by a report or title fees, only the following actions will be required:
 - a. Copies of the Forms VTR-500-RTS that accompanied the original report do not have to be resubmitted; TCS will access vehicle inquiry event and produce the receipt.
 - b. Copies of Forms 31-RTS must be faxed to TCS.

3. If the application included a Certificate of Title Surety Bond, then a duplicate bond with original signatures and a power of attorney are also required.
- F. On occasions the department will reject an application back to the county by mail and it will become lost; or an entire shipment of title transactions will be lost enroute to the Headquarters Office, or the county will misplace the title transactions within their office prior to mailing. In these instances, the department and the county will coordinate the appropriate steps to rectify the problem.
- G. Rejected Title Transactions
1. The following procedures apply to the rejection of title transactions from field auditors as well as transactions that the county determines as erroneous after the "voiding" period has expired:
 - a. The Field Auditor or counties currently involved in the title examination process should stamp or legibly write the word "Rejection" in the lower portion of the Title Application Receipt (VTR-500-RTS).
 - b. A photocopy of the VTR-500-RTS should be made and mailed in a separate envelope marked "Rejections" along with the title package report to the Title Control Systems Branch (TCS). The original title transaction should remain at the county tax office until corrections are made.
 - c. Once the photocopies of the VTR-500-RTS are received in TCS, the rejection remark will be entered into RTS.
 - d. After the original title transaction is corrected it should be handled as a "Resubmit" and mailed to TCS accordingly. (Title transactions that are corrected through the RTS Rejection Correction Event should remain in place with the other title transactions processed for the same day. Only transactions that cannot be corrected through RTS should be separated and sent in to TCS as a Resubmit.)

NOTE: This process is not to be used for a "stop" title request unless the title transaction has a valid rejection. Otherwise, a court order will still be required.
- H. Under certain conditions, the department may authorize credit for "hot checks" received by the county tax collectors in payment of title application fees when the Report to Vehicle Titles and Registration Division on a Dishonored Check Given for Registration and/or Title Fees, Form D12-120, is submitted with the title report. For a discussion of "hot checks," refer to the VTR Registration Manual. With reference to the issuance of cash refunds involving title application fees, the department may, under certain conditions, authorize a cash refund. In this case, the tax collector will issue the refund and take credit for that amount on his title report when a completed Form D12-120 requesting the refund is sent by the tax collector.
- II. Certificates of title which are returned to the department by the post office because of insufficient or incorrect address are destroyed. Consequently, to secure another title, the owner or lienholder thereof must submit to the department a properly executed Application for a Certified Copy of a Texas Certificate of Title for a Motor Vehicle, Form VTR-34, showing the correct address to which the title shall be mailed. Also, a change of address notice should be attached to the Form VTR-34 in order for the address to be corrected in the department's computer system.

III. Telephone service.

The Vehicle Titles and Registration Division of the Texas Department of Transportation maintains an information center in the Headquarters Office in Austin to provide efficient and rapid response to the many requests for registration and title data from tax collectors, law enforcement agencies, and the general public. Telephone service is available for those who desire immediate information. A Customer Information Services Branch is provided to answer the steady stream of inquiries coming in by mail. VTR Regional Offices are located in various counties throughout the state in order to provide service to the tax collectors, law enforcement agencies, and the general public on a local level. All questions relative to registration and title problems should be directed to these offices. The Request for Texas Motor Vehicle Information, Form VTR-275, is available for vehicle information certifying the request is being made for a lawful and legitimate purpose.

Information contained in the department motor vehicle records may only be released in accordance with the Motor Vehicle Records Disclosure Act and Driver's Privacy Protection Act. If the subject of a motor vehicle record has requested that the department restrict the release of their personal information (Opt-Out), the applicable motor vehicle record may not be provided in response to a telephone inquiry. A written request is required certifying that the person requesting the information is the subject of the record, has written authorization from the subject of the record, or that the intended use is for one of the permitted uses defined by law. (For further information, refer to Motor Vehicle Registration Manual, Chapter 730.)

Additionally, requests for motor vehicle record information from individuals who are incarcerated (imprisoned or confined in a correctional facility) may also be denied pursuant to Chapter 552, Section 552.027, Government Code. (For further discussion, refer to the Motor Vehicle Registration Manual, Transportation Code, Section 502.008, Release of Motor Vehicle Registration Information.)

IV. Government bills of sale (certificates of release) and rules and regulations pertaining thereto are promulgated by the federal government and this department.

- A. The federal government, on July 1, 1948, required the United States Government, Certificate to Title a Vehicle, Form 97, which is a "certificate of release" for a motor vehicle, to be executed by all federal agencies when disposing of motor vehicles owned by the federal government.
- B. If a Texas licensed dealer is named as the purchaser on a Form 97, he may assign the vehicle to a subsequent purchaser using a Dealer's Reassignment of Title for a Motor Vehicle, Form 41. An individual (not a dealer) must secure Texas title in his name before transferring ownership unless he is an out-of-state resident. An out-of-state resident may transfer ownership using a bill of sale.
- C. When a Form 97 is executed by an agency of the federal government and a record of Texas title recording a lien is found, neither a release of lien nor the certificate of title is required to support the application. With reference to registration, disregard any prior Texas registration and issue new registration as in the case of an out-of-state vehicle.
 1. Motor vehicles seized because of a contraband violation may be disposed of by agencies of the federal government on a U. S. Marshal's Bill of Sale. (Refer to Section 501.074 for further information.)
 2. The Texas Alcoholic Beverage Commission and the Narcotic Section of the Department of Public Safety, as agencies of the State of Texas, have the legal authority to seize motor vehicles carrying contraband and may, after filing suit in court, dispose of same at a public sale by order of said court. (Refer to Section 501.074.)

Transportation Code § 501.131.

3. On motor vehicles sold by the Internal Revenue Service for foreclosure of income tax liens, do not request a Form 97 to support such application. Accept the evidence submitted which should be a certificate of sale of personal property sold under warranty for distraint. Remember! An income tax lien does not take priority over a duly recorded lien, unless the lien was recorded after the income tax lien was filed.
- D. In the event the odometer statement or the description of a motor vehicle as described on a Form 97 is missing, altered, illegible, or incorrect, a new Form 97 shall be required.
 - E. The Texas Surplus Property Agency disburses donated vehicles from the federal government to certain exempt agencies. The Texas Surplus Property Agency's Form V-1 is used in these transfers.
- V. Entry of motor vehicles into the United States by civilians and members of the Armed Forces and rules and regulations pertaining thereto which have been promulgated by the federal government and this department. (Any final application covering such vehicle must be accompanied by an Identification Certificate, Form VI-30-A [or Form D12-272-A or Form D12-272-B if the vehicle is located outside of Texas]. For a complete discussion of motor vehicle inspection requirements, refer to Section 501.030.)
- A. There are several types of U. S. Military title and registration documents issued to military personnel and individuals working for the military services in foreign countries, and all such documents shall be acceptable as evidence of ownership to support an application for Texas title.
 - B. A title (or if no title, a registration receipt) issued by a foreign country shall be accepted as evidence of ownership to support an application for Texas title as explained in Section 501.030.
 - C. Post Exchanges (PX) located on property controlled by a branch of the Armed Forces of the United States issue a "certificate of ownership" on motor vehicles which they sell as a part of their normal business. Such "certificates of ownership" may support an application for Texas title. (However, any motor vehicle owned and operated by a PX may not be transferred on the basis of this certificate but must be transferred on the United States Government, Certificate of Title a Vehicle, Form 97. The PX is considered an agency of the Federal Government and, therefore, must provide the purchaser of a PX-operated motor vehicle with a properly executed Form 97.) The use of these "certificates of ownership" issued by the PX arises most frequently on motor vehicles imported from countries which require the registration receipt or booklet to be surrendered when the motor vehicle leaves the country, or in some cases, the use of these certificates arises because the purchaser shipped the motor vehicle to the United States immediately upon purchase. In such cases, these "certificates of ownership" would be the only evidence of ownership the applicant would possess.

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