

## CHAPTER 168A

### VEHICLE TITLES

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#### 168A.01 DEFINITIONS.

Subdivision 1. **Scope.** For the purposes of sections 168A.01 to 168A.31, the terms defined in this section have the meanings given them, except when the context otherwise requires.

Subd. 2. **Dealer.** "Dealer" has the meaning given it in section 168.27.

Subd. 2a. **Deliver.** "Deliver" means to transmit electronically or by other means approved by the registrar.

Subd. 3. **Department.** "Department" means the registrar of motor vehicles of this state.

Subd. 4. **Essential parts.** "Essential parts" means all integral and body parts of a vehicle of a type for which a certificate of title is required hereunder, the removal, alteration, or substitution of which would tend to conceal the identity of the vehicle or substantially alter its appearance, model, type or mode of operation.

Subd. 5. **Established place of business.** "Established place of business" means the place actually occupied either continuously or at regular periods by a dealer or manufacturer where books and records of business are kept and a large share of business is transacted.

Subd. 6. **Out-of-state vehicle.** "Out-of-state vehicle" means every vehicle of a type for which a certificate of title is required hereunder brought into this state from another state, territory, or country other than in the ordinary course of business by or through a manufacturer or dealer and not registered in this state.

Subd. 6a. **High-value vehicle.** "High-value vehicle" means a vehicle manufactured six or more years before the start of the current model year that had an actual cash value in excess of \$5,000 before being damaged, or a vehicle with a manufacturer's rating of over 26,000 pounds gross vehicle weight.

Subd. 7. **Identifying number.** "Identifying number" means the numbers, and letters, if any, on a vehicle designated by the department for the purpose of identifying the vehicle.

Subd. 8. **Implement of husbandry.** (a) "Implement of husbandry" means every vehicle, including a farm tractor and farm wagon, designed or adapted exclusively for agricul-

tural, horticultural, or livestock raising operations or for lifting or carrying an implement of husbandry and in either case not subject to registration if used upon the highways.

(b) A towed vehicle meeting the description in paragraph (a) is an implement of husbandry without regard to whether the vehicle is towed by an implement of husbandry or by a registered motor vehicle.

(c) A self-propelled motor vehicle used in livestock raising operations is an implement of husbandry only if it is:

- (1) owned by or under the control of a farmer;
- (2) operated at speeds not exceeding 30 miles per hour; and
- (3) displaying the slow-moving vehicle emblem described in section 169.522.

Subd. 8a. **Late-model vehicle.** "Late-model vehicle" means a vehicle manufactured in the current model year or the five model years immediately preceding the current model year.

Subd. 8b. **Junking certificate.** "Junking certificate" means a receipt issued by the department's Driver and Vehicle Services Division when a vehicle is declared unrepairable under section 168A.151.

Subd. 9. **Mail.** "Mail" means to deposit in the United States mail, properly addressed and with postage prepaid.

Subd. 10. **Manufacturer.** "Manufacturer" means every person engaged in the business of constructing or assembling vehicles of a type for which a certificate of title is required hereunder.

Subd. 11. **Manufacturer's or importer's certificate of origin.** "Manufacturer's or importer's certificate of origin" means a certificate over the authorized signature of the manufacturer or importer of a vehicle, describing and identifying the vehicle, giving the name and address of the person to whom the vehicle is first sold by the manufacturer or importer, and containing assignments, duly executed, assigning the same to an applicant for a certificate of title on the vehicle in this state.

Subd. 12. **Nonresident.** "Nonresident" means every person who is not a resident of this state.

Subd. 12a. **Older model vehicle.** "Older model vehicle" means a vehicle manufactured in the sixth model year immediately preceding the current model year or earlier that is not a high-value vehicle.

Subd. 13. **Owner.** "Owner" means a person, other than a secured party, having the property in or title to a vehicle. The term includes a person entitled to the use and possession of a vehicle subject to a security interest in another person, but excludes a lessee under a lease not intended as security.

Subd. 14. **Person.** "Person" means an individual, firm, copartnership, association, corporation, or governmental organization.

Subd. 15. **Previously registered vehicle.** "Previously registered vehicle" means a vehicle registered in this state on October 1, 1972 or a vehicle whose last registration before October 1, 1972 was in this state.

Subd. 16. **Reconstructed vehicle.** "Reconstructed vehicle" means a vehicle of a type for which a certificate of title is required hereunder materially altered from its original construction by the removal, addition, or substitution of essential parts, new or used.

Subd. 17. **Registration.** "Registration" means the registration certificate or certificates and registration plates issued under the laws of this state pertaining to the registration of vehicles.

Subd. 17a. **Salvage title.** "Salvage title" means a certificate of title that is issued to a vehicle declared a repairable total loss vehicle under section 168A.151 and includes an existing certificate of title that has been stamped with the legend "salvage certificate of title" in accordance with section 168A.151.

Subd. 17b. **Salvage vehicle.** "Salvage vehicle" means a vehicle that has a salvage certificate of title.

Subd. 17c. **Secure reassignment.** "Secure reassignment" means a separate form that (1) may be used by a dealer to assign and warrant title to a vehicle; (2) is prescribed by the department; and (3) contains security features complying with the Motor Vehicle Information and Cost Savings Act, as amended, codified at United States Code, title 49, chapter 327, and regulations of the United States Department of Transportation adopted under that act.

Subd. 18. **Secured party.** "Secured party" means a secured party as defined in section 336.9–102(a)(72) having a security interest in a vehicle.

Subd. 19. **Security agreement.** "Security agreement" means a security agreement as defined in section 336.9–102(a)(73).

Subd. 20. **Security interest.** "Security interest" means a security interest as defined in section 336.1–201(b)(35). A security interest is "perfected" when it is valid against third parties generally, subject only to specific statutory exception.

Subd. 21. **Special mobile equipment.** "Special mobile equipment" means every vehicle not designed or used primarily for the transportation of persons or property and only incidentally operated or moved over a highway, including but not limited to: Ditch-digging apparatuses, well-boring apparatuses, moving dollies, sawing machines, corn shellers, and road construction and maintenance machinery such as asphalt spreaders, bituminous mixers, bucket loaders, tractors other than truck-tractors, ditchers, leveling graders, finishing machines, motor graders, road rollers, scarifiers, earth-moving carryalls and scrapers, power shovels and draglines, and self-propelled cranes and earth-moving equipment. The term does not include travel trailers, dump trucks, truck-mounted transit mixers, truck-mounted feed grinders, or other vehicles designed for the transportation of persons or property to which machinery has been attached.

Subd. 22. **Specially constructed vehicle.** "Specially constructed vehicle" means every vehicle of a type for which a certificate of title is required hereunder not originally constructed under a distinctive name, make, model, or type by a generally recognized manufacturer of vehicles and not materially altered from its original construction.

Subd. 23. **State.** "State" means a state, territory or possession of the United States, the District of Columbia, the Commonwealth of Puerto Rico, or a province of the Dominion of Canada.

Subd. 24. **Vehicle.** (a) "Vehicle" means every device in, upon, or by which any person or property is or may be transported or drawn upon a highway.

(b) The term does not include:

(1) devices moved by human power or used exclusively upon stationary rails or tracks;

or

(2) vehicles not originally constructed primarily for use on public roads and highways.

(c) The term does include motorized bicycles as defined in section 168.011, subdivision

27.

**History:** 1971 c 162 s 1; 1977 c 214 s 5; 1979 c 50 s 17,18; 1986 c 444; 1988 c 496 s 12–17; 1989 c 342 s 13; 1993 c 93 s 1–3; 1997 c 143 s 4; 1998 c 285 s 3; 1998 c 405 s 3; 2001 c 195 art 2 s 5,6; 2002 c 371 art 1 s 13–15; 2004 c 162 art 3 s 6

## 168A.02 APPLICATION; REGISTRATION AND RENEWAL.

Subdivision 1. **Application for certificate of title.** Except as provided in section 168A.03, every owner of a vehicle which is in this state and for which no currently effective certificate of title has been issued in this state shall make application to the department for a certificate of title of the vehicle, pursuant to rules adopted by the department under section 168A.24, subdivision 2, clause 3.

Subd. 2. **Vehicle registration without title.** The department shall not register or renew the registration of a vehicle for which a certificate of title is required unless a certificate of title has been issued to the owner, an application therefor has been delivered to and approved by the department, or the vehicle has a Minnesota certificate of title and is being held for resale by a dealer under section 168A.11.

Subd. 3. **Title certificate for manufactured home.** A certificate of title is required for a manufactured home, as defined in section 327.31, subdivision 6. In every certificate of title issued for a manufactured home, the department shall insert the following notice: **THIS TITLE DESCRIBES A MANUFACTURED HOME NOT A MOTOR VEHICLE.**

**History:** 1971 c 162 s 2; 1973 c 549 s 2; 1982 c 526 art 3 s 1; 1985 c 186 s 5; 1985 c 248 s 70; 1989 c 148 s 1; 2004 c 224 s 1

### 168A.03 EXEMPT VEHICLES.

Subdivision 1. **No certificate issued.** The registrar shall not issue a certificate of title for:

- (1) a vehicle owned by the United States;
- (2) a vehicle owned by a nonresident and not required by law to be registered in this state;
- (3) a vehicle owned by a nonresident and regularly engaged in the interstate transportation of persons or property for which a currently effective certificate of title has been issued in another state;
- (4) a vehicle moved solely by animal power;
- (5) an implement of husbandry;
- (6) special mobile equipment;
- (7) a self-propelled wheelchair or invalid tricycle;
- (8) a trailer (i) having a gross weight of 4,000 pounds or less unless a secured party holds an interest in the trailer or a certificate of title was previously issued by this state or any other state or (ii) designed primarily for agricultural purposes except a recreational vehicle or a manufactured home, both as defined in section 168.011, subdivisions 8 and 25;
- (9) a snowmobile.

Subd. 2. **Dealers.** No certificate of title need be obtained for a vehicle owned by a manufacturer or dealer and held for sale, even though incidentally moved on the highway or used pursuant to section 168.27 or 168.28, or a vehicle used by a manufacturer solely for testing.

**History:** 1971 c 162 s 3; 1981 c 365 s 9; 2000 c 426 s 15; 2003 c 127 art 1 s 2; 2006 c 212 art 1 s 23

### 168A.04 FORM AND CONTENT OF APPLICATION.

Subdivision 1. **Contents.** The application for the first certificate of title of a vehicle in this state shall be made by the owner to the department on the form prescribed by the department and shall contain:

- (1) the first, middle, and last names, the dates of birth, and addresses of all owners who are natural persons, the full names and addresses of all other owners;
- (2) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, and whether new or used;
- (3) the date of purchase by applicant, the name and address of the person from whom the vehicle was acquired, the names and addresses of any secured parties in the order of their priority, and the dates of their respective security agreements;
- (4) with respect to motor vehicles subject to the provisions of section 325E.15, the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;
- (5) with respect to vehicles subject to section 325F.6641, whether the vehicle sustained damage by collision or other occurrence which exceeded 70 percent of the actual cash value; and
- (6) any further information the department reasonably requires to identify the vehicle and to enable it to determine whether the owner is entitled to a certificate of title, and the existence or nonexistence and priority of any security interest in the vehicle.

Subd. 2. **Secured party.** If the application refers to a vehicle purchased from a dealer it shall contain the name and address of any secured party holding a security interest created or reserved at the time of the sale and the date of the security agreement and be signed by the dealer as well as the owner, and the dealer shall within ten days mail or deliver the application and appropriate taxes to the department.

Subd. 2a. **Alternate mailing address.** If the United States Postal Service will not deliver mail to the residence address of a registered owner who is an individual as listed on the title application, then the registered owner must provide verification from the United States Postal Service that mail will not be delivered to the registered owner's residence address and that mail will be delivered to a specified alternate mailing address. When an applicant provides an alternate mailing address under this subdivision, the commissioner shall use the alternate mailing address in lieu of the residence address for all notices and mailings to the registered owner.

Subd. 3. **New vehicle; certificate of origin.** If the application refers to a new vehicle it shall be accompanied by a manufacturer's or importer's certificate of origin.

Subd. 4. **Vehicle last registered out of state.** If the application refers to a vehicle last previously registered in another state or country, the application shall contain or be accompanied by:

- (1) any certificate of title issued by the other state or country;
- (2) any other information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence and priority of any security interest in it;
- (3) the certificate of a person authorized by the department that the identifying number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the department reasonably requires; and
- (4) with respect to vehicles subject to section 325F.6641, whether the vehicle sustained damage by collision or other occurrence which exceeded 70 percent of actual cash value. Damage, for the purpose of this calculation, does not include the actual cost incurred to repair, replace, or reinstall inflatable safety restraints and other vehicle components that must be replaced due to the deployment of the inflatable safety restraints.

Subd. 5. **Specially constructed or reconstructed vehicle.** Except as provided in subdivision 6, if the application refers to a specially constructed vehicle or a reconstructed vehicle, the application shall so state and shall contain or be accompanied by:

- (1) any information and documents the department reasonably requires to establish the ownership of the vehicle and the existence or nonexistence and priority of security interests in it;
- (2) the certificate of a person authorized by the department that the identifying number of the vehicle has been inspected and found to conform to the description given in the application, or any other proof of the identity of the vehicle the department reasonably requires; and
- (3) at the time of application, a written certification to the department that the vehicle to be titled meets the requirements of chapter 169 for vehicles in its class regarding safety and acceptability to operate on public roads and highways.

Subd. 6. **Assembled motorcycles.** (a) If the application refers to an assembled motorcycle, the application must so state and be accompanied by:

- (1) a manufacturer's statement or certificate of origin from a recognized motorcycle manufacturer for the frame, complete engine or engine cases, provided that if a statement or certificate of origin is submitted for engine cases it must also be accompanied by copies of original documentation for cylinder heads, cylinders, flywheels, and piston and rod assemblies; and
- (2) vendor receipts or copies of the receipts from suppliers on the transmission assembly, engine assembly, fork assembly, and front and rear wheel assemblies. If the applicant is a

motorcycle assembler, the applicant must also provide copies of original vendor receipts for the assemblies listed in this clause.

(b) An assembled motorcycle for which the documentation required under paragraph (a), clauses (1) and (2), has been submitted is not subject to the filing requirement of section 168A.07, subdivision 1, clause (2).

**History:** 1971 c 162 s 4; 1977 c 105 s 1; 1977 c 370 s 2; 1989 c 148 s 2; 1989 c 188 s 1,2; 1993 c 93 s 4,5; 2000 c 426 s 16,17; 2002 c 371 art 1 s 16; 2005 c 94 s 1; 2005 c 163 s 59

### 168A.05 CERTIFICATE OF TITLE.

Subdivision 1. **Filing of application; issuance of certificate.** The department shall file each application received, and when satisfied as to its genuineness and regularity and that the applicant is entitled to the issuance of a certificate of title shall issue a certificate of title of the vehicle.

Subd. 1a. **Manufactured home; statement of property tax payment.** In the case of a manufactured home as defined in section 327.31, subdivision 6, the department shall not issue a certificate of title unless the application under section 168A.04 is accompanied with a statement from the county auditor or county treasurer where the manufactured home is presently located, stating that all manufactured home personal property taxes levied on the unit in the name of the current owner at the time of transfer have been paid. For this purpose, manufactured home personal property taxes are treated as levied on January 1 of the payable year.

Subd. 1b. **Manufactured home; exemption.** The provisions of subdivision 1a shall not apply to (1) a manufactured home which is sold or otherwise disposed of pursuant to section 504B.271 by the owner of a manufactured home park as defined in section 327.14, subdivision 3, or (2) a manufactured home which is sold pursuant to section 504B.265 by the owner of a manufactured home park.

Subd. 1c. **Manufactured home; exemption for destruction.** The provisions of subdivision 1a do not apply if title is to be transferred to an owner of a manufactured home park as defined in section 327.14, subdivision 3, who provides to the county auditor or treasurer a notarized statement that the manufactured home is to be destroyed or moved to a site and destroyed.

Subd. 2. **Record of certificates issued.** (a) The department shall maintain a record of all certificates of title issued by it:

- (1) under a distinctive title number assigned to the vehicle;
- (2) by vehicle identifying number;
- (3) alphabetically, under the name of the owner.

(b) Such record shall consist of the certificate of title, including the notations of all security interests recorded, assigned, terminated, or released and liens filed pursuant to a court order or by a public authority responsible for child support enforcement of which the department has notice, of duplicate certificates issued or applied for, and such other information as the department may deem proper.

Subd. 3. **Content of certificate.** Each certificate of title issued by the department shall contain:

- (1) the date issued;
- (2) the first, middle, and last names, the dates of birth, and addresses of all owners who are natural persons, the full names and addresses of all other owners;
- (3) the names and addresses of any secured parties in the order of priority as shown on the application, or if the application is based on a certificate of title, as shown on the certificate, or as otherwise determined by the department;
- (4) any liens filed pursuant to a court order or by a public agency responsible for child support enforcement against the owner;

(5) the title number assigned to the vehicle;

(6) a description of the vehicle including, so far as the following data exists, its make, model, year, identifying number, type of body, whether new or used, and if a new vehicle, the date of the first sale of the vehicle for use;

(7) with respect to motor vehicles subject to the provisions of section 325E.15, the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;

(8) with respect to vehicles subject to sections 325F.6641 and 325F.6642, the appropriate term "flood damaged," "rebuilt," "prior salvage," or "reconstructed";

(9) with respect to a vehicle contaminated by methamphetamine production, if the registrar has received the certificate of title and notice described in section 152.0275, subdivision 2, paragraph (g), the term "hazardous waste contaminated vehicle"; and

(10) any other data the department prescribes.

**Subd. 4. Vehicle last registered out of state.** Unless a bond is filed as provided in section 168A.07, subdivision 1, clause (2), a distinctive certificate of title shall be issued for a vehicle last previously registered in another state or country, the laws of which do not require that secured parties be named on a certificate of title to perfect their security interests. The certificate shall contain the legend "This vehicle may be subject to an undisclosed lien" and may contain any other information the department prescribes. If no notice of a security interest in the vehicle is received by the department within four months from the issuance of the distinctive certificate of title, it shall, upon application and surrender of the distinctive certificate, issue a certificate of title in ordinary form.

**Subd. 5. Forms.** (a) The certificate of title shall contain forms:

(1) for assignment and warranty of title by the owner;

(2) for assignment and warranty of title by a dealer;

(3) to apply for a certificate of title by a transferee;

(4) to name a secured party; and

(5) to make the disclosure required by section 325F.6641.

(b) The certificate of title must also include a separate detachable postcard entitled "Notice of Sale" that contains, but is not limited to, the vehicle's title number and vehicle identification number. The postcard must include sufficient space for the owner to record the purchaser's name, address, and driver's license number, if any, and the date of sale. The notice of sale must include clear instructions regarding the owner's responsibility to complete and return the form, or to transmit the required information electronically in a form acceptable to the commissioner, pursuant to section 168A.10, subdivision 1.

**Subd. 5a. Pollution control equipment disclosure.** The certificate of title shall contain a disclosure by the transferor of the condition of the vehicle's pollution control equipment as required by section 325E.0951. The disclosure must be in a format as prescribed by the registrar.

**Subd. 6. Evidentiary effect of certificate.** A certificate of title issued by the department is prima facie evidence of the facts appearing on it.

**Subd. 7. Judicial process relating to certificate or vehicle.** A certificate of title for a vehicle is not subject to garnishment, attachment, execution, or other judicial process, but this subdivision does not prevent a lawful levy upon the vehicle or the lawful enforcement of an administrative lien or judgment debt or lien filed pursuant to a court order or by a public authority responsible for child support enforcement.

**Subd. 8. Liens filed for enforcement of child support.** This subdivision applies if the court or a public authority responsible for child support enforcement orders or directs the commissioner to enter a lien, as provided in section 518A.67. If a certificate of title is applied for by the owner, the department shall enter a lien on the title in the name of the state of Minnesota or in the name of the obligee in accordance with the notice if the value of the motor vehicle determined in accordance with either the definitions of section 297B.01, subdivision

8, or the retail value described in the N.A.D.A. Official Used Car Guide, Midwest Edition, for the current year exceeds the exemption allowed in section 550.37. The lien on the title is subordinate to any bona fide purchase money security interest under section 336.9–103 regardless of when the purchase money security interest is perfected. With respect to all other security interests, the lien is perfected as of the date entered on the title.

**Subd. 9. Neighborhood electric vehicle; certificate required.** Neighborhood electric vehicles, as defined in section 169.01, subdivision 91, must be titled as specified in section 168A.02. The department shall not issue a title for a neighborhood electric vehicle (1) that lacks a vehicle identification number, and (2) for which a manufacturer's certificate of origin clearly labeling the vehicle as a neighborhood electric vehicle or similar designation has not been issued. The department shall not issue a vehicle identification number to a homemade neighborhood electric or low-speed vehicle or retrofitted golf cart, and such vehicles do not qualify as neighborhood electric vehicles.

**History:** 1971 c 162 s 5; 1977 c 105 s 2; 1977 c 370 s 3; 1989 c 148 s 3,4; 1989 c 188 s 3,4; 1993 c 93 s 6,7; 1995 c 257 art 1 s 2–5; 1997 c 245 art 1 s 1; 1999 c 238 art 2 s 10; 2001 c 195 art 2 s 7; 2002 c 371 art 1 s 17; 2002 c 377 art 4 s 1,2; 2003 c 127 art 2 s 2; 2005 c 136 art 7 s 13; 2005 c 151 art 5 s 1; 2005 c 164 s 29; 1Sp2005 c 3 art 1 s 1; 1Sp2005 c 7 s 28; 2006 c 189 s 3

#### 168A.06 DELIVERY OF CERTIFICATE.

The certificate of title must be delivered to the owner named in it. Secured parties, if any, must be mailed notification of their security interest filed.

**History:** 1971 c 162 s 6; 1989 c 148 s 5; 2000 c 426 s 18

#### 168A.07 CONDITIONAL REGISTRATION.

**Subdivision 1. Ownership at issue; certificate withheld or bond filed.** In the event application is made in this state for a certificate of title on a vehicle and the department is not satisfied as to the ownership of the vehicle or the existence of security interests therein, the vehicle may be registered but the department shall either:

(1) withhold issuance of a certificate of title until the applicant shall present documents reasonably sufficient to satisfy the department of the applicant's ownership of the vehicle and as to any security interest therein; or

(2) as a condition to issuing a certificate of title, require the applicant to file a bond in the form prescribed by the department and executed by the applicant, and either accompanied by the deposit of cash or executed by a surety company authorized to do business in this state, in an amount equal to 1–1/2 times the value of the vehicle as determined by the department. The bond shall be conditioned to indemnify any prior owner and secured party and any subsequent purchaser of the vehicle or person acquiring any security interest therein, or the successor in interest of any said person, against any expense, loss, or damage, including reasonable attorneys' fees, by reason of the issuance of the certificate of title to the vehicle or on account of any defect in or undisclosed security interest upon the right, title and interest of the applicant in and to the vehicle. Any such interested person shall have a right of action to recover on such bond for any breach of its conditions, but the aggregate liability of the surety to all such persons shall in no event exceed the amount of the bond. Unless the department has been notified of the pendency of an action to recover on the bond and if all questions as to ownership and outstanding security interests have been resolved to the satisfaction of the department, such bond, and any deposit accompanying it, shall be returned at the end of three years or prior thereto in the event the vehicle is no longer registered in this state and the currently valid certificate of title is surrendered.

**Subd. 2. Nontransferable certificate.** In the event the issuance of a certificate of title is withheld in accordance with subdivision 1, or because the applicant is unable to surrender an existing certificate of title to the vehicle issued by another state, the department, upon payment of the same fee as for issuing a certificate of title, may issue to the applicant a nontrans-



ferable certificate in form designated by the department certifying that the applicant has applied for a certificate of title; provided that such certificate shall not be issued if the department has reasonable grounds to believe the applicant is not the owner or that the application contains a false or fraudulent statement.

**History:** 1971 c 162 s 7; 1978 c 570 s 2

#### **168A.08 GROUNDS FOR REFUSAL TO ISSUE CERTIFICATE.**

The department shall refuse issuance of a certificate of title if any required fee is not paid or if:

- (1) the department has reasonable grounds to believe that the applicant is not the owner of the vehicle;
- (2) the department has reasonable grounds to believe that the application contains a false or fraudulent statement;
- (3) the applicant fails to furnish required information or documents or any additional information the department reasonably requires; or
- (4) the applicant has not paid at least one month's registration tax or registered the vehicle under section 168.187.

**History:** 1971 c 162 s 8; 1984 c 549 s 25

#### **168A.085 APPLICATION FOR TITLE OR REGISTRATION, CERTAIN CASES.**

Subdivision 1. **Limitations.** No application for certificate of title or registration may be issued for a vehicle that was not manufactured in compliance with applicable federal emission standards in force at the time of manufacture as provided by the Clean Air Act, United States Code, title 42, sections 7401 through 7642, and regulations adopted pursuant thereto, and safety standards as provided by the National Traffic and Motor Safety Act, United States Code, title 15, sections 1381 through 1431, and regulations adopted pursuant thereto, unless the applicant furnishes either proof satisfactory to the agent that the vehicle was not brought into the United States from outside the country or all of the following:

- (1) a bond release letter, with all attachments, issued by the United States Department of Transportation acknowledging receipt of a statement of compliance submitted by the importer of the vehicle and that the statement meets the safety requirements as provided by Code of Federal Regulations, title 19, section 12.80(e);
- (2) a bond release letter, with all attachments, issued by the United States Environmental Protection Agency stating that the vehicle has been tested and known to be in conformity with federal emission requirements; and
- (3) a receipt or certificate issued by the United States Department of the Treasury showing that any gas-guzzler taxes due on the vehicle as provided by Public Law 95-618, title 2, section 201(a), have been fully paid.

Subd. 2. **Accompanying documents.** The application for certificate of title and the application for registration must be accompanied by a manufacturer's certificate of origin in the English language which was issued by the actual vehicle manufacturer and either:

- (1) the original documents constituting valid proof of ownership in the country in which the vehicle was originally purchased, together with a translation of the documents into the English language verified as to accuracy of the translation by affidavit of the translator; or
- (2) with regard to a vehicle imported from a country that cancels the vehicle registration and title for export, a bond as required by section 168A.07, subdivision 1, clause (2).

**History:** 1988 c 634 s 9

#### **168A.09 DUPLICATE CERTIFICATE.**

Subdivision 1. **Application, issuance, form, bond, and notice.** In the event a certificate of title is lost, stolen, mutilated, or destroyed or becomes illegible, the owner or legal representative of the owner named in the certificate may make application to the department

or a deputy registrar for a duplicate in a format prescribed by the department. The department shall issue a duplicate certificate of title if satisfied that the applicant is entitled thereto. The duplicate certificate of title shall be plainly marked as a duplicate and mailed or delivered to the owner. The department shall indicate in its records that a duplicate has been issued. As a condition to issuing a duplicate certificate of title, the department may require a bond from the applicant in the manner and format prescribed in section 168A.07, subdivision 1, clause (2). The duplicate certificate of title shall contain the legend: "This duplicate certificate of title may be subject to the rights of a person under the original certificate."

Subd. 2. [Repealed by amendment, 1989 c 148 s 6]

Subd. 3. **Recovery of original certificate.** A person recovering an original certificate of title for which a duplicate has been issued shall promptly surrender the original certificate to the department.

**History:** 1971 c 162 s 9; 1989 c 148 s 6; 2002 c 371 art 1 s 18

## 168A.10 TRANSFER OF INTEREST BY OWNER.

Subdivision 1. **Assignment and warranty of title; mileage; notice of sale.** If an owner transfers interest in a vehicle other than by the creation of a security interest, the owner shall at the time of the delivery of the vehicle execute an assignment and warranty of title to the transferee and shall state the actual selling price in the space provided on the certificate. Within ten days of the date of sale, other than a sale by or to a licensed motor vehicle dealer, the owner shall: (1) complete, detach, and return to the department the postcard on the certificate entitled "Notice of Sale," if one is provided, including the transferee's name, address, and driver's license number, if any, and the date of sale; or (2) transmit this information electronically in a form acceptable to the commissioner. With respect to motor vehicles subject to the provisions of section 325E.15, the transferor shall also, in the space provided therefor on the certificate, state the true cumulative mileage registered on the odometer or that the actual mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage. The transferor shall cause the certificate and assignment to be delivered to the transferee immediately.

Subd. 2. **Application for new certificate.** Except as provided in section 168A.11, the transferee shall, within ten days after assignment to the transferee of the vehicle title certificate, execute the application for a new certificate of title in the space provided on the certificate, and cause the certificate of title to be mailed or delivered to the department. Failure of the transferee to comply with this subdivision shall result in the suspension of the vehicle's registration under section 168.17.

Subd. 3. [Repealed by amendment, 1989 c 148 s 7]

Subd. 4. **Notification of security interest.** If a security interest is reserved or created at the time of the transfer, a notification of security interest shall be delivered or mailed to the person who becomes the secured party.

Subd. 5. **Compliance removes liability after delivery.** Except as provided in section 168A.11 and as between the parties, a transfer by an owner is not effective until the provisions of this section have been complied with; however, an owner who has delivered possession of the vehicle to the transferee and has complied, or within 48 hours after such delivery does comply, with the provisions of this section requiring action by the owner is not liable as owner for any damages resulting from operation of the vehicle after the delivery of the vehicle to the transferee. An owner is not liable who has complied with the provisions of this section except for completing and returning the Notice of Sale or transmitting the required information electronically under subdivision 1.

Subd. 6. [Repealed, 1997 c 135 s 4]

**History:** 1971 c 162 s 10; 1977 c 105 s 3; 1986 c 444; 1988 c 647 s 11; 1989 c 148 s 7; 1990 c 480 art 4 s 1; 1999 c 238 art 2 s 11-13

**168A.101 CANCELLATION OF MOTOR VEHICLE SALE.**

Subdivision 1. **Required documentation.** If the parties cancel a purchase of a motor vehicle after the transfer of interest, they must submit within 90 days of the original purchase date the following items:

- (1) the outstanding certificate of title with proper assignment; and
- (2) an affidavit correcting ownership signed by the parties.

Subd. 2. **Refunds.** A party may be eligible for a refund of taxes and fees only if the items indicated in subdivision 1 are submitted within the 90-day time frame unless otherwise provided by law.

**History:** *1Sp2001 c 8 art 2 s 38*

**168A.11 PURCHASE OF VEHICLE BY DEALER.**

Subdivision 1. **Requirements upon subsequent transfer; service fee.** (a) A dealer who buys a vehicle and holds it for resale need not apply for a certificate of title. Upon transferring the vehicle to another person, other than by the creation of a security interest, the dealer shall promptly execute the assignment and warranty of title by a dealer, showing the names and addresses of the transferee and of any secured party holding a security interest created or reserved at the time of the resale, and the date of the security agreement in the spaces provided therefor on the certificate of title or secure reassignment.

(b) If a dealer elects to apply for a certificate of title on a vehicle held for resale, the dealer need not register the vehicle but shall pay one month's registration tax. If a dealer elects to apply for a certificate of title on a vehicle held for resale, the department shall not place any legend on the title that no motor vehicle sales tax was paid by the dealer, but may indicate on the title whether the vehicle is a new or used vehicle.

(c) With respect to motor vehicles subject to the provisions of section 325E.15, the dealer shall also, in the space provided therefor on the certificate of title or secure reassignment, state the true cumulative mileage registered on the odometer or that the exact mileage is unknown if the odometer reading is known by the transferor to be different from the true mileage.

(d) The transferee shall complete the application for title section on the certificate of title or separate title application form prescribed by the department. The dealer shall mail or deliver the certificate to the registrar or deputy registrar with the transferee's application for a new certificate and appropriate taxes and fees, within ten business days.

(e) With respect to vehicles sold to buyers who will remove the vehicle from this state, the dealer shall remove any license plates from the vehicle, issue a 31-day temporary permit pursuant to section 168.091, and notify the registrar within 48 hours of the sale that the vehicle has been removed from this state. The notification must be made in an electronic format prescribed by the registrar. The dealer may contract with a deputy registrar for the notification of sale to an out-of-state buyer. The deputy registrar may charge a fee not to exceed \$7 per transaction to provide this service.

Subd. 2. **Notification on vehicle held for resale; service fee.** Within 48 hours of acquiring a vehicle titled and registered in Minnesota, a dealer shall notify the registrar that the dealership is holding the vehicle for resale. The notification must be made electronically as prescribed by the registrar. The dealer may contract this service to a deputy registrar and the registrar may charge a fee not to exceed \$7 per transaction to provide this service.

Subd. 3. **Records.** Every dealer shall maintain for three years at an established place of business a record in the form the department prescribes of every vehicle bought, sold, or exchanged, or received for sale or exchange, which shall be open to inspection by a representative of the department or peace officer during reasonable business hours. With respect to motor vehicles subject to the provisions of section 325E.15, the record shall include either the true mileage as stated by the previous owner or the fact that the previous owner stated the actual cumulative mileage was unknown; the record also shall include either the true mileage the dealer stated upon transferring the vehicle or the fact the dealer stated the mileage was unknown.

Subd. 4. **Centralized record keeping.** Three or more new motor vehicle dealers under common management or control may designate to the department in writing a single location for maintaining the records required by this section that are more than 12 months old. The records must be open to inspection by a representative of the department or a peace officer during reasonable business hours. The location must be at the established place of business of one of the affiliated dealers or at a location within Minnesota not further than 25 miles from the established place of business of one of the affiliated dealers.

**History:** 1971 c 162 s 11; 1977 c 105 s 4,5; 1986 c 444; 1989 c 148 s 8; 1994 c 536 s 17; 1997 c 250 s 5; 1998 c 285 s 4; 1998 c 405 s 4; 2002 c 371 art 1 s 19; 2002 c 388 s 3; 2004 c 224 s 2--4

#### 168A.12 INTEREST PASSING BY NONVOLUNTARY TRANSFER.

Subdivision 1. **Last certificate, proof or transfer, and application to department.** If the interest of an owner in a vehicle passes to another other than by voluntary transfer, the transferee shall, except as provided in subdivision 2, promptly mail or deliver to the department the last certificate of title, if available, proof of the transfer, and an application for a new certificate in the format the department prescribes.

Subd. 2. **Owner's interest terminated or vehicle sold by secured party.** If the interest of the owner is terminated or the vehicle is sold under a security agreement by a secured party named in the certificate of title, the transferee shall promptly mail or deliver to the department the last certificate of title, if available, an application for a new certificate in the format the department prescribes, and an affidavit made by or on behalf of the secured party that the interest of the owner was lawfully terminated or the vehicle sold pursuant to the terms of the security agreement. If the secured party succeeds to the interest of the owner and holds the vehicle for resale, the secured party need not secure a new certificate of title provided that a notice thereof in a format designated by the department is mailed or delivered by the secured party to the department in duplicate within 48 hours, but upon transfer to another person the secured party shall promptly execute assignment and warranty of title and mail or deliver to the transferee or the department the certificate, if available, the affidavit, and other documents required to be sent to the department by the transferee.

Subd. 3. **Delivery and issuance; effect on parties.** A person holding a certificate of title whose interest in the vehicle has been extinguished or transferred other than by voluntary transfer shall mail or deliver the certificate to the department upon its request. The delivery of the certificate pursuant to the request of the department does not affect the rights of the person surrendering the certificate, and the action of the department in issuing a new certificate of title as provided herein is not conclusive upon the rights of an owner or secured party named in the old certificate.

**History:** 1971 c 162 s 12; 1986 c 444; 1989 c 148 s 9; 2002 c 371 art 1 s 20,21

#### 168A.13 FEE ACCOMPANIES APPLICATION; DELIVERY OF REGISTRATION CARD AND PLATES.

Subdivision 1. **Fee accompanies application for certificate.** An application for a certificate of title must be accompanied by the required fees when mailed or delivered to the department.

Subd. 2. **Fee accompanies application for naming secured party.** An application for the naming of a secured party or the party's assignee on a certificate of title must be accompanied by the required fees when mailed or delivered to the department.

Subd. 3. **Delivery of registration card and plates.** A transferor of a vehicle, other than a dealer transferring a new vehicle, shall deliver to the transferee at the time of the delivery of possession of the vehicle the registration card and license plates for the vehicle.

**History:** 1971 c 162 s 13; 1986 c 444; 2000 c 426 s 19

#### 168A.14 NEW CERTIFICATES ISSUED, OLD CERTIFICATES SURRENDERED.

Subdivision 1. **New certificate after assignment.** The department, upon receipt of a properly assigned certificate of title, with an application for a new certificate of title, the re-

quired fees and taxes, and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner and list any secured party named on it and deliver it to the owner. The secured party or parties must be issued a notification that the security interest has been filed.

**Subd. 1a. New certificate after security interest filed.** The department, upon receipt of an affidavit as provided in section 524.3–1201(a), an application for a new certificate of title, and any required fee, shall issue a new certificate of title in the name of the successor as owner, listing any secured party on it. The department shall deliver the certificate to the successor and shall issue any secured party a notification that the security interest has been filed.

**Subd. 2. New certificate after nonvoluntary transfer.** The department, upon receipt of an application for a new certificate of title by a transferee other than by voluntary transfer, with proof of the transfer, the required fees and taxes, and any other documents required by law, shall issue a new certificate of title in the name of the transferee as owner.

**Subd. 3. Surrendered certificate.** The department shall file and retain for seven years every surrendered certificate of title, the file to be maintained so as to permit the tracing of title of the vehicle.

**History:** 1971 c 162 s 14; 1989 c 148 s 10; 1992 c 461 art 1 s 1; 2000 c 426 s 20

## **168A.141 MANUFACTURED HOME AFFIXED TO REAL PROPERTY.**

**Subdivision 1. Certificates surrendered for cancellation.** When a manufactured home is affixed, as defined in section 273.125, subdivision 8, paragraph (b), to real property, and financed by the giving of a mortgage on the real property, the owner of the manufactured home shall surrender the manufacturer's certificate of origin or certificate of title to the department for cancellation. The owner of the manufactured home shall give the department the address and legal description of the real property. The department may require the filing of other information. The department must not issue a certificate of title for a manufactured home under chapter 168A if the manufacturer's certificate of origin is surrendered under this subdivision. Upon surrender of the manufacturer's certificate of origin or the certificate of title, the department shall issue notice of surrender to the owner and the manufactured home is deemed to be an improvement to real property. The notice to surrender may be recorded in the office of the county recorder or with the registrar of titles if the land is registered but need not contain an acknowledgment.

**Subd. 2. Perfected security interest avoids cancellation.** The department may not cancel a certificate of title if a security interest has been perfected on the manufactured home. If a security interest has been perfected, the department shall notify the owner and each secured party that the certificate of title and a description of the security interest have been surrendered to the department and that the department will not cancel the certificate of title until the security interest is satisfied. Permanent attachment to real property does not extinguish an otherwise valid security interest in or tax lien on the manufactured home.

**Subd. 3. Notice of security interest avoids surrender.** The manufacturer's certificate of origin or the certificate of title need not be surrendered to the department under subdivision 1 when a perfected security interest exists on the manufactured home at the time the manufactured home is affixed to real property, if the owner of the manufactured home files a notice with the county recorder, or with the registrar of titles, if the land is registered, stating that the manufactured home located on the property is encumbered by a perfected security interest. The notice must state the name and address of the secured party as set forth on the certificate of title, the legal description of the real property, and the name and address of the record fee owner of the real property on which the manufactured home is affixed. When the security interest is released or satisfied, the secured party shall attach a copy of the release or satisfaction to a notice executed by the secured party containing the county recorder or registrar of titles document number of the notice of security interest. The notice of release or satisfaction must be filed with the county recorder, or registrar of titles, if the land is registered. Neither the notice described in this subdivision nor the security interest on the certificate of

title is deemed to be an encumbrance on the real property. The notices provided for in this subdivision need not be acknowledged.

**History:** 1982 c 526 art 3 s 2; 2003 c 90 s 1

### 168A.15 RECONSTRUCTED, SCRAPPED, DISMANTLED, OR DESTROYED VEHICLES.

Subdivision 1. [Repealed by amendment, 1988 c 496 s 18]

Subd. 2. **Requirements to obtain certificate for reconstructed vehicle.** If a vehicle is altered so as to become a reconstructed vehicle, the owner shall apply for a certificate of title to the reconstructed vehicle in the manner provided in section 168A.04, and any existing certificate of title to the vehicle shall be surrendered for cancellation.

Subd. 3. **Scrapped, dismantled, or destroyed vehicle.** An owner who scraps, dismantles, or destroys a vehicle, or a person who purchases a vehicle as scrap or to be dismantled or destroyed, shall immediately have the certificate of title mailed or delivered to the department for cancellation. A certificate of title for the vehicle shall not again be issued.

Subd. 4. **Motorcycle with new engine.** (a) If the commissioner does not require that a new or amended title be issued and stamped as reconstructed or otherwise under this chapter for an automobile being operated with an engine that is not its original engine, then the commissioner shall not require that title issued for a motorcycle being operated with an engine that is not its original engine be stamped or otherwise labeled as reconstructed or otherwise.

(b) This subdivision does not prevent the commissioner from requiring that a new application be completed according to section 168A.04 and be filed with the commissioner. Upon receipt of the completed application and the old title, and subject to section 168A.05, subdivision 1, the commissioner shall issue another certificate of title, which must list the engine number, for the motorcycle with the nonoriginal engine.

**History:** 1971 c 162 s 15; 1988 c 496 s 18; 1993 c 93 s 8; 2002 c 371 art 1 s 22

### 168A.151 SALVAGE TITLE; JUNKING CERTIFICATE.

Subdivision 1. **Salvage titles.** (a) When an insurer, licensed to conduct business in Minnesota, acquires ownership of a late-model or high-value vehicle through payment of damages, the insurer shall immediately apply for a salvage certificate of title or shall stamp the existing certificate of title with the legend "SALVAGE CERTIFICATE OF TITLE" in a manner prescribed by the department. Within 48 hours of taking possession of a vehicle through payment of damages, an insurer must notify the department in a manner prescribed by the department.

(b) Any person who acquires a damaged motor vehicle with an out-of-state title and the cost of repairs exceeds the value of the damaged vehicle or a motor vehicle with an out-of-state salvage title or certificate, as proof of ownership, shall immediately apply for a salvage certificate of title. A self-insured owner of a late-model or high-value vehicle who sustains damage by collision or other occurrence which exceeds 70 percent of its actual cash value shall immediately apply for a salvage certificate of title. Damage, for the purpose of this calculation, does not include the actual cost incurred to repair, replace, or reinstall inflatable safety restraints and other vehicle components that must be replaced due to the deployment of the inflatable safety restraints.

Subd. 2. [Repealed, 1993 c 93 s 20]

Subd. 3. [Repealed, 1993 c 93 s 20]

Subd. 4. **Junking certificate required.** When a person acquires ownership of a vehicle that is an unrepairable total loss vehicle, the person shall surrender the assigned certificate of title to the department and apply for a junking certificate of title.

Subd. 5. [Repealed, 1993 c 93 s 20]

Subd. 6. **Authority under junking certificate.** A junking certificate authorizes the holder only to possess and transport the vehicle, except that a salvage pool or insurance com-

pany, or its agent, may sell an unrepairable total loss vehicle with a junking certificate to a licensed used parts dealer.

**History:** 1988 c 496 s 19; 1989 c 342 s 14; 1993 c 93 s 9–11; 2005 c 94 s 2

#### 168A.152 USE AND CERTIFICATION OF TITLE; INSPECTION FEE.

Subdivision 1. **Certificate of inspection.** A salvage certificate of title authorizes the holder to possess, transport, and transfer ownership in a vehicle. A salvage certificate of title does not authorize the holder to register a vehicle. A certificate of title must not be issued for a vehicle for which a salvage certificate of title has been issued unless a certification of inspection in the form and content specified by the department accompanies the application for a certificate of title.

Subd. 1a. **Duties of salvage vehicle purchaser.** No salvage vehicle purchaser shall possess or retain a salvage vehicle which does not have a salvage certificate of title. The salvage vehicle purchaser shall display the salvage certificate of title upon the request of any appropriate public authority.

Subd. 2. **Inspection fee; proceeds allocated.** (a) A fee of \$35 must be paid to the department before the department issues a certificate of title for a vehicle that has been inspected and for which a certificate of inspection has been issued pursuant to subdivision 1. The only additional fee that may be assessed for issuing the certificate of title is the filing fee imposed under section 168.33, subdivision 7.

(b) Of the fee collected by the department under this subdivision, for conducting inspections under subdivision 1, \$20 must be deposited in the general fund and the remainder of the fee collected must be deposited in the vehicle services operating account in the special revenue fund as specified in section 299A.705.

**History:** 1988 c 496 s 20; 1989 c 342 s 15; 1990 c 446 s 3; 1991 c 124 s 1; 1993 c 93 s 12; 1Sp2005 c 6 art 2 s 32

#### 168A.153 REPORT OF VEHICLE RECEIPT; SURRENDER OF CERTIFICATE.

Subdivision 1. **Older model vehicle.** A dealer who buys an older model vehicle to be dismantled or destroyed shall report to the department within 30 days including the vehicle's license plate number and identification number, and the seller's name and driver's license number.

Subd. 2. **Late-model or high-value vehicle.** A dealer who buys a late-model or high-value vehicle to be dismantled or destroyed shall notify the secured party, if any, and then surrender the certificate of title and a properly completed application for a salvage certificate of title to the department within ten days.

**History:** 1988 c 496 s 21; 1994 c 536 s 18

#### 168A.154 SALVAGE VEHICLE TAKEN OUT OF STATE.

A dealer who sells a salvage vehicle to a buyer who intends to remove the vehicle from the state shall report the sale within ten days to the department in a format prescribed by the department.

**History:** 1988 c 496 s 22; 2002 c 371 art 1 s 23

#### 168A.16 INAPPLICABLE LIEN OR SECURITY INTEREST.

(a) Sections 168A.01 to 168A.31 do not apply to or affect:

(1) a lien given by statute or rule of law to a supplier of services or materials for the vehicle;

(2) a lien given by statute to the United States;

(3) a security interest in a vehicle created by a manufacturer or dealer who holds the vehicle for sale.

(b) Sections 168A.17 to 168A.19 do not apply to or affect a lien given by statute or assignment to this state or any political subdivision of this state.

**History:** 1971 c 162 s 16; 1995 c 257 art 1 s 6

**168A.17 SECURITY INTEREST.**

Subdivision 1. **Validity.** Unless excepted by section 168A.16, a security interest in a vehicle of a type for which a certificate of title is required is not valid against creditors of the owner or subsequent transferees or secured parties of the vehicle unless perfected as provided in sections 168A.01 to 168A.31.

Subd. 1a. **Leases that are not sales or security interests.** Notwithstanding any other provision of sections 168A.01 to 168A.31 or other law, in the case of a lease agreement with respect to a vehicle other than a vehicle used primarily for personal, family, or household purposes, the determination whether the lease agreement constitutes a lease and does not create a conditional sale or security interest shall be governed by the stated intent of the parties set forth in the lease agreement, unless it can be shown by a preponderance of the evidence that the terms of the lease agreement cannot be reconciled with the stated intent. In no event shall the lease agreement be deemed to create a conditional sale or security interest merely because it permits or requires the amount of rental payments to be adjusted upward or downward by reference to the amount realized by the lessor upon sale or disposition of the vehicle.

Subd. 2. **Perfection.** A security interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the secured party, the date of the secured party's security agreement and the required fee. A security interest is perfected as of the time of the delivery.

Subd. 3. [Repealed, 2001 c 195 art 1 s 25]

**History:** 1971 c 162 s 17; 1986 c 444; 1989 c 174 s 1; 1989 c 232 art 2 s 1; 1989 c 356 s 21; 2001 c 195 art 1 s 2

**168A.172 CHARITABLE INTEREST.**

Subdivision 1. **Agreement.** Notwithstanding any law to the contrary, a holder of a limited used vehicle license (limited dealer) as described in section 168.27, subdivision 4a, may retain a charitable interest in a motor vehicle donated by the limited dealer to an individual without charge and for a charitable purpose. The limited dealer and the transferee may enter into a written agreement describing the nature, extent, and terms of the retained charitable interest.

Subd. 2. **Perfection.** A charitable interest is perfected by the delivery to the department of the existing certificate of title, if any, an application for a certificate of title containing the name and address of the limited dealer, the date of the limited dealer's charitable agreement, and the required fee. A charitable interest is perfected as of the time of the delivery.

Subd. 3. **Satisfaction of charitable interest.** Upon the satisfaction of a charitable interest described in subdivision 1, in a vehicle for which the certificate of title is in the possession of the owner, the limited dealer shall within seven days execute a release of interest in the format prescribed by the department and mail or deliver the notification with release to the owner or any person who delivers to the limited dealer an authorization from the owner to receive the release. The limited dealer may notify the registrar of the satisfaction of interest in a manner prescribed by the department.

**History:** 2006 c 228 s 1

**168A.18 DUTIES OF PARTIES RELATING TO SECURITY INTEREST.**

If an owner creates a security interest in a vehicle:

(a) The owner shall immediately execute the application in the space provided therefor on the certificate of title, or in a format the department prescribes, to name the secured party on the certificate, showing the name and address of the secured party, and cause the certificate, application, and the required fees and taxes to be delivered to the secured party.

(b) The secured party shall immediately cause the certificate, application, and the required fees and taxes to be mailed or delivered to the department.

(c) A second or subordinate secured party does not affect the rights of the first secured party under a security agreement.



(d) Upon receipt of the certificate of title, application, and the required fees and taxes, the department shall issue a new certificate containing the name and address of the new secured party, and mail or deliver the certificate to the owner. The secured party or parties shall be notified that the security interest has been recorded.

**History:** 1971 c 162 s 18; 1986 c 444; 1989 c 148 s 11; 2002 c 371 art 1 s 24

#### 168A.19 ASSIGNMENT OF SECURITY INTEREST.

Subdivision 1. **Effect of assignment without notice.** A secured party may assign, absolutely or otherwise, a security interest in the vehicle to a person other than the owner without affecting the interest of the owner or the validity of the security interest, but any person without notice of the assignment is protected in dealing with the secured party as the holder of the security interest and the secured party remains liable for any obligations as secured party until the assignee is named as secured party on the certificate.

Subd. 2. **Assignee named as secured party.** The assignee may, but need not to perfect the assignment, have the certificate of title endorsed or issued with the assignee named as secured party, upon delivering to the department the certificate and an assignment by the secured party named in the certificate in the format the department prescribes together with the required fee.

**History:** 1971 c 162 s 19; 1986 c 444; 2002 c 371 art 1 s 25

#### 168A.20 SATISFACTION OF SECURITY INTEREST.

Subdivision 1. **Certificate with latest secured party; release.** Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the secured party, the secured party shall within 15 days, or seven days if satisfied by a dealer licensed under section 168.27, subdivision 2, 3, or 4, execute a release of security interest in the space provided therefor on the certificate or as the department prescribes, and mail or deliver the certificate and release to the next secured party named therein, or if none, to the owner or any person who delivers to the secured party an authorization from the owner to receive the certificate. The owner, other than a dealer holding the vehicle for resale, shall promptly cause the certificate and release, together with the required fees and taxes, to be mailed or delivered to the department, which shall release the secured party's rights on the certificate or issue a new certificate.

Subd. 1a. **Title issued before July 1, 1990.** For titles issued to the secured party before July 1, 1990, the secured party shall hold the certificate of title until the security interest is satisfied.

Subd. 2. **Certificate with prior secured party; release.** Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of a prior secured party, the secured party whose security interest is satisfied shall within 15 days, or seven days if satisfied by a dealer licensed under section 168.27, subdivision 2, 3, or 4, execute a release in the format the department prescribes and deliver the release to the owner or any person who delivers to the secured party an authorization from the owner to receive it. The secured party in possession of the certificate of title shall either deliver the certificate to the owner, or the person authorized by the owner, for delivery to the department, or upon receipt of the release, mail or deliver it with the certificate to the department, which shall release the subordinate secured party's rights on the certificate or issue a new certificate.

Subd. 3. **Certificate with owner.** Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the owner, the secured party shall within 15 days, or seven days if satisfied by a dealer licensed under section 168.27, subdivision 2, 3, or 4, execute a release of security interest in the format prescribed by the department and mail or deliver the notification with release to the owner or any person who delivers to the secured party an authorization from the owner to receive the release. The secured party may notify the registrar of the satisfaction of lien in a manner prescribed by the department.

Subd. 4. **Satisfaction of lien for child support; release.** If the secured party is a public authority or a child support or maintenance obligee with a lien under section 168A.05, subdi-

vision 8, upon either the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the owner, or the execution by the owner of a written payment agreement determined to be acceptable by the court, a child support magistrate, the public authority, or the obligee, within 15 days, or seven days if satisfied by a dealer licensed under section 168.27, subdivision 2, 3, or 4, the secured party shall execute a release of security interest in the format prescribed by the department and mail or deliver the notification with release to the owner or any person who delivers to the secured party an authorization from the owner to receive the release.

**Subd. 5. Satisfaction of automobile lien seven years old; release.** A security interest perfected under this chapter may be canceled seven years from the perfection date for a passenger automobile, as defined in section 168.011, subdivision 7, upon the request of the owner of the passenger automobile, if the owner has paid the lien in full and is unable to locate the lienholder to obtain a lien release. At a minimum, the owner must send a letter to the lienholder by certified mail, return receipt requested, requesting a lien release. If the owner is unable to obtain a lien release by sending a letter by certified mail, then the owner must present to the department or its agent the returned letter as evidence of the attempted contact. This subdivision applies only to vehicle owners who are individuals.

**History:** 1971 c 162 s 20; 1978 c 655 s 1; 1980 c 369 s 1; 1986 c 444; 1989 c 148 s 12–14; 1995 c 257 art 1 s 7; 1999 c 131 s 1; 1999 c 196 art 2 s 2; 2002 c 371 art 1 s 26–28; 1Sp2005 c 6 art 3 s 35; 2006 c 228 s 2

#### 168A.21 DISCLOSURE OF SECURITY INTEREST.

**Subdivision 1. Generally.** A secured party named in a certificate of title shall upon written request of the owner or of another secured party named on the certificate disclose any pertinent information as to the security agreement and the indebtedness secured by it.

**Subd. 2. Child support.** A secured party that is a public authority or an obligee with a lien under section 168A.05, subdivision 8, shall, upon written request of the owner, disclose the amount of the judgment debt secured.

**History:** 1971 c 162 s 21; 1986 c 444; 1995 c 257 art 1 s 8

#### 168A.22 EXCLUSIVE METHOD OF PERFECTING SECURITY INTEREST.

The method provided in sections 168A.01 to 168A.31 of perfecting security interests subject to sections 168A.01 to 168A.31 is exclusive.

**History:** 1971 c 162 s 22

#### 168A.23 SUSPENSION OR REVOCATION OF CERTIFICATE.

**Subdivision 1. Grounds.** The department shall suspend or revoke a certificate of title upon notice and reasonable opportunity to be heard when authorized by any other provision of law, or if it finds:

- (1) the certificate of title was fraudulently procured or erroneously issued;
- (2) the vehicle has been scrapped, dismantled, or destroyed; or
- (3) the vehicle has been involuntarily transferred and the owner did not surrender the certificate of title.

**Subd. 2. Effect on validity of security interest.** Suspension or revocation of a certificate of title does not, in itself, affect the validity of a security interest noted on it.

**Subd. 3. Delivery of certificate to department.** When the department suspends or revokes a certificate of title, the owner or person in possession of it shall immediately upon receiving notice of the suspension or revocation mail or deliver the certificate to the department.

**Subd. 4. Seizure.** The department may seize and impound any certificate of title which has been suspended or revoked.

**Subd. 5. Effect on good faith purchaser.** Suspension or revocation for failure to pay the sales tax on motor vehicles as required by chapter 297B shall not affect the validity of a

subsequent transfer to a purchaser relying in good faith on the assignment of a suspended or revoked title if in fact the certificate of title was not surrendered to or seized by the department pursuant to subdivision 4, and the department shall not refuse to issue a new certificate of title to an applicant who is a good faith purchaser for value in such circumstances.

**History:** 1971 c 162 s 23; 1979 c 126 s 1; 1989 c 148 s 15; 1994 c 587 art 2 s 21

#### 168A.24 DUTIES AND POWERS OF DEPARTMENT.

Subdivision 1. **Forms.** The department shall prescribe and provide suitable forms of applications, certificates of title, notices of security interests, and all other notices and forms necessary to carry out the provisions of sections 168A.01 to 168A.31 and shall determine the format in which the forms will appear.

Subd. 2. **Powers; rules.** The department may:

(1) make necessary investigations to procure information required to carry out the provisions of sections 168A.01 to 168A.31;

(2) assign a new identifying number to a vehicle if it has none, or its identifying number is destroyed or obliterated;

(3) adopt and enforce such rules as may be necessary to carry out the provisions of sections 168A.01 to 168A.31;

(4) adopt and enforce such rules as the department may deem necessary or appropriate to require the payment of fees imposed by section 168.54, as a condition for deferring application for a certificate of title by a dealer or secured party in cases provided for in section 168A.11 or 168A.12, subdivision 2. Such rules shall permit the use of the "Transfer Filing Fee" stamp prescribed by section 168.54, when feasible;

(5) adopt a rule which may require the owner or secured party, as the case may be, to deposit the certificate of title with the department during the period when the vehicle for which such certificate was issued is registered pursuant to section 168.31, subdivision 4, or is subject to the lien imposed by section 168.31, subdivision 6.

**History:** 1971 c 162 s 24; 1985 c 248 s 70; 1989 c 209 art 2 s 21; 2002 c 371 art 1 s 29

#### 168A.25 REVIEW BY DISTRICT COURT.

A person aggrieved by an act or omission to act of the department under sections 168A.01 to 168A.31 is also entitled to a review thereof by the district court in accordance with law.

**History:** 1971 c 162 s 25

**168A.26** [Repealed, 1989 c 148 s 16]

**168A.27** [Repealed, 1989 c 148 s 16]

**168A.28** [Repealed, 1989 c 148 s 16]

#### 168A.29 FEES.

Subdivision 1. **Amounts.** (a) The department must be paid the following fees:

(1) for filing an application for and the issuance of an original certificate of title, the sum of \$5.50 of which \$2.50 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705;

(2) for each security interest when first noted upon a certificate of title, including the concurrent notation of any assignment thereof and its subsequent release or satisfaction, the sum of \$2, except that no fee is due for a security interest filed by a public authority under section 168A.05, subdivision 8;

(3) for the transfer of the interest of an owner and the issuance of a new certificate of title, the sum of \$5.50 of which \$2.50 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705;

(4) for each assignment of a security interest when first noted on a certificate of title, unless noted concurrently with the security interest, the sum of \$1;

(5) for issuing a duplicate certificate of title, the sum of \$6.50 of which \$2.50 must be paid into the vehicle services operating account of the special revenue fund under section 299A.705.

(b) After June 30, 1994, in addition to each of the fees required under paragraph (a), clauses (1) and (3), the department must be paid \$3.50. The additional \$3.50 fee collected under this paragraph must be deposited in the special revenue fund and credited to the public safety motor vehicle account established in section 299A.70.

**Subd. 2. Fee in lieu of other fee.** If a person applies for an original or a new certificate of title to a vehicle, concurrently with an application, as transferee, of registration of the vehicle, the fee prescribed in subdivision 1 must be in lieu of the fee prescribed by section 168.54, with respect to any transfer of ownership or registration of the vehicle to the applicant.

**Subd. 3. No certificate issued until fees paid.** Subject to subdivision 2, the department shall not issue a certificate of title to a vehicle until all fees prescribed by sections 168.54 and 168A.10, subdivision 6, with respect to any prior transfer of ownership or registration of the vehicle have been paid.

**History:** 1971 c 162 s 29; 1986 c 444; 1989 c 209 art 2 s 22; 1994 c 632 art 1 s 4; 1995 c 257 art 1 s 9; 1997 c 159 art 2 s 16; 1Sp2003 c 19 art 2 s 26; 1Sp2005 c 6 art 2 s 33

### 168A.30 VIOLATIONS AND PENALTIES.

**Subdivision 1. False information in application or supporting document.** A person who with fraudulent intent uses a false or fictitious name or address, or makes a material false statement, or fails to disclose a security interest, or conceals any other material fact, in an application for a certificate of title or submits a false, forged, or fictitious document in support of an application for a certificate of title, shall be guilty of a felony and may be sentenced for a term of not more than four years, or to payment of a fine of not more than \$10,000, or both.

**Subd. 2. Willful or fraudulent act or failure to act; misdemeanors.** A person is guilty of a misdemeanor who:

(1) with fraudulent intent permits another, not entitled thereto, to use or have possession of a certificate of title;

(2) willfully fails to mail or deliver a certificate of title to the department within the time required by sections 168A.01 to 168A.31;

(3) willfully fails to deliver to the transferee a certificate of title within ten days after the time required by sections 168A.01 to 168A.31;

(4) fails to notify the department of any fact as required by sections 168A.01 to 168A.31, except for the facts included in the notice of sale described in section 168A.10, subdivision 1; or

(5) willfully violates any other provision of sections 168A.01 to 168A.31 except as otherwise provided in sections 168A.01 to 168A.31.

**History:** 1971 c 162 s 30; 1984 c 628 art 3 s 11; 1986 c 444; 1993 c 85 s 3; 1999 c 238 art 2 s 14; 2002 c 343 s 1

### 168A.31 DISPOSITION OF FEES; PAYMENT OF EXPENSES.

**Subdivision 1. Fund distribution.** All fees prescribed by sections 168A.01 to 168A.31 and 168.54 collected by the department must be paid into the general fund, unless otherwise specified in chapter 168A.

**Subd. 2. Expenses; appropriation.** All necessary expenses incurred by the department for the administration of sections 168A.01 to 168A.31 must be paid from money in the ve-

hicle services operating account of the special revenue fund as specified in section 299A.705, and such funds are hereby appropriated.

**History:** 1971 c 162 s 32; 1979 c 333 s 88; 2000 c 426 s 21; 1Sp2005 c 6 art 2 s 34

#### 168A.40 AUTOMOBILE THEFT PREVENTION PROGRAM.

Subdivision 1. [Repealed, 2000 c 488 art 6 s 13]

Subd. 2. [Repealed, 2000 c 488 art 6 s 13]

Subd. 3. **Surcharge.** Each insurer engaged in the writing of policies of automobile insurance shall collect a surcharge, at the rate of 50 cents per vehicle for every six months of coverage, on each policy of automobile insurance providing comprehensive insurance coverage issued or renewed in this state. The surcharge may not be considered premium for any purpose, including the computation of premium tax or agents' commissions. The amount of the surcharge must be separately stated on either a billing or policy declaration sent to an insured. Insurers shall remit the revenue derived from this surcharge at least quarterly to the commissioner of public safety for purposes of the automobile theft prevention program described in section 65B.84. For purposes of this subdivision, "policy of automobile insurance" has the meaning given it in section 65B.14, covering only the following types of vehicles as defined in section 168.011:

- (1) a passenger automobile;
- (2) a pickup truck;
- (3) a van but not commuter vans as defined in section 168.126; or
- (4) a motorcycle,

except that no vehicle with a gross vehicle weight in excess of 10,000 pounds is included within this definition.

Subd. 4. **Automobile theft prevention account.** A special revenue account is created in the state treasury to be credited with the proceeds of the surcharge imposed under subdivision 3. Of the revenue in the account, \$1,300,000 each year must be transferred to the general fund. Revenues in excess of \$1,300,000 each year may be used only for the automobile theft prevention program described in section 65B.84.

**History:** 1996 c 408 art 2 s 1,16; 1999 c 216 art 5 s 1; 2000 c 488 art 6 s 1,2; 1Sp2001 c 8 art 5 s 16; 2002 c 220 art 7 s 9; 2004 c 269 art 2 s 5