CHAPTER 168A

VEHICLE TITLES

168A.01 DEFINITIONS.
168A.02 APPLICATION; REGISTRATION AND RENEWAL.
168A.03 EXEMPT VEHICLES.
168A.04 FORM AND CONTENT OF APPLICATION.
168A.05 CERTIFICATE OF TITLE.
168A.06 DELIVERY OF CERTIFICATE.
168A.07 CONDITIONAL REGISTRATION.
168A.08 GROUNDS FOR REFUSAL TO ISSUE CERTIFICATE.
168A.085 APPLICATION FOR TITLE OR REGISTRATION, CERTAIN CASES.
168A.09 DUPLICATE CERTIFICATE.
168A.10 TRANSFER OF INTEREST BY OWNER.
168A.101 CANCELLATION OF MOTOR VEHICLE SALE.
168A.11 PURCHASE OF VEHICLE BY DEALER.
168A.12 INTEREST PASSING BY NONVOLUNTARY TRANSFER.
168A.125 TRANSFER-ON-DEATH TITLE TO MOTOR VEHICLE.
168A.13 FEE ACCOMPANIES APPLICATION; DELIVERY OF REGISTRATION CARD AND PLATES.
168A.14 NEW CERTIFICATES ISSUED, OLD CERTIFICATES SURRENDERED.
168A.1411 MANUFACTURED HOME AFFIXED TO REAL PROPERTY OWNED BY COOPERATIVE.
168A.1412 MANUFACTURED HOME AFFIXED TO REAL PROPERTY.
168A.142 MANUFACTURED HOME UNAFFIXED FROM REALTY.
168A.143 MANUFACTURED HOMES; OWNERSHIP AT ISSUE.
168A.15 RECONSTRUCTED, SCRAPPED, DISMANTLED, OR DESTROYED VEHICLE.
168A.1501 SCRAPPED, DISMANTLED, OR DESTROYED VEHICLE.
168A.151 SALVAGE TITLE; JUNKING CERTIFICATE.
168A.152 USE AND CERTIFICATION OF TITLE; INSPECTION FEE.
168A.153 REPORT OF VEHICLE RECEIPT.
168A.154 SALVAGE VEHICLE TAKEN OUT OF STATE.
168A.16 INAPPLICABLE LIEN OR SECURITY INTEREST.
168A.17 SECURITY INTEREST.
168A.172 CHARITABLE INTEREST.
168A.18 DUTIES OF PARTIES RELATING TO SECURITY INTEREST.
168A.19 ASSIGNMENT OF SECURITY INTEREST.
168A.20 SATISFACTION OF SECURITY INTEREST.
168A.21 DISCLOSURE OF SECURITY INTEREST.
168A.22 EXCLUSIVE METHOD OF PERFECTING SECURITY INTEREST.
168A.23 SUSPENSION OR REVOCATION OF CERTIFICATE.
168A.24 DUTIES AND POWERS OF DEPARTMENT.
168A.25 REVIEW BY DISTRICT COURT.
168A.29 FEES.
168A.30 VIOLATIONS AND PENALTIES.
168A.31 DISPOSITION OF FEES; PAYMENT OF EXPENSES.

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. 1a. **Commissioner.** "Commissioner" means the commissioner of public safety.

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. MS 2020 [Renumbered subd 12b]

Subd. 6a. **High-value vehicle.** "High-value vehicle" means a vehicle that had an actual cash value in excess of $9,000 before being damaged, or a vehicle with a manufacturer's rating of over 26,000 pounds gross vehicle weight that is not a late-model vehicle.

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 agricultural, 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 with a manufacturer's designated model year equal to or greater than the fifth calendar year immediately preceding the current calendar 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. 9a. **Manufactured home.** "Manufactured home" has the meaning given in section 327.31, subdivision 6.

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 that is not a late-model vehicle.

Subd. 12b. **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. 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.** (a) "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.

(b) Reconstructed vehicle does not include a restored pioneer vehicle.

Subd. 16a. MS 2020 [Renumbered subd 16d]

Subd. 16b. **Recovered intact vehicle.** "Recovered intact vehicle" means a vehicle that was:

(1) verified by the vehicle insurer to be stolen and declared a total loss; and

(2) subsequently recovered with damage that is not in excess of 80 percent of its value immediately before it was stolen.

Subd. 16c. **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. 16d. **Restored pioneer vehicle.** (a) "Restored pioneer vehicle" means a vehicle:

(1) for which a certificate of title is required under this chapter;

(2) originally manufactured prior to 1919;

(3) for which one or more essential parts, whether new or used, are replaced; and

(4) for which each essential part under clause (3) is replaced:

(i) only as necessary in order to restore or retain the character and appearance of the vehicle as originally manufactured;

(ii) in a manner which reasonably restores or retains the character and appearance of the vehicle as originally manufactured; and

(iii) in a manner which substantially conforms to the fit, form, and function of the original essential part.

(b) A vehicle meeting both the requirements under paragraph (a) and subdivision 16 for a reconstructed vehicle is a restored pioneer vehicle.

(c) For purposes of this subdivision, replacement of an essential part includes, but is not limited to, removal, addition, modification, or substitution of the essential part.

Subd. 17. MS 2020 [Renumbered subd 16c]

Subd. 17a. MS 2020 [Repealed, 2022 c 57 s 13]

Subd. 17b. **Salvage vehicle.** (a) "Salvage vehicle" means a vehicle (1) for which an insurance company has declared a total loss or paid a total loss claim, or (2) that has been involved in a collision or other event in which the cost of repairs exceeds 80 percent of the value of the vehicle immediately before the damage occurred.

(b) Salvage vehicle does not include a recovered intact vehicle.

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)(73) 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)(74).

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" has the meaning given it in section 168.002.

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 168.002, subdivision 20.

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; 2008 c 287 art 1 s 25; 2008 c 350 art 1 s 16; 2011 c 31 art 1 s 16; art 2 s 3,4; 2012 c 195 s 2,3; 2012 c 198 s 1; 2012 c 267 s 1-3; 2013 c 117 art 3 s 5; 2022 c 57 s 1,2*

168A.02 APPLICATION; REGISTRATION AND RENEWAL.

Subdivision 1. **Application for certificate of title.** (a) 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 must apply 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).

(b) A decommissioned military vehicle that (1) was also manufactured and sold as a comparable civilian vehicle, and (2) has the same size dimensions and vehicle weight as the comparable civilian vehicle, is eligible for a certificate of title under this chapter.

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.** Except as provided in section 168A.1412, a certificate of title is required for a manufactured home. 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; 2012 c 198 s 2; 1Sp2019 c 3 art 3 s 27; 1Sp2021 c 8 art 3 s 4*

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 168.002, subdivisions 16 and 27;

(9) a snowmobile; and

(10) an electric-assisted bicycle, as defined in section 169.011, subdivision 27.

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; 2008 c 350 art 1 s 17; 2008 c 366 art 9 s 5; 2012 c 287 art 3 s 21; 2015 c 21 art 1 s 30*

168A.04 FORM AND CONTENT OF APPLICATION.

Subdivision 1. **Contents.** The application for the first certificate of title of a vehicle or manufactured home in this state, or for reissuance of a certificate of title for a manufactured home under section 168A.142, must be made by the owner to the department on the form prescribed by the department and must 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 or manufactured home including, so far as the following data exists, its make, model, year, identifying number in the case of a vehicle or serial number in the case of a manufactured home, 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 or manufactured home 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) whether the vehicle sustained damage by collision or other occurrence that meets the disclosure requirements under section 325F.6641, subdivision 1; and

(6) any further information the department reasonably requires to identify the vehicle or manufactured home 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 or manufactured home.

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 must 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) whether the vehicle sustained damage by collision or other occurrence that meets the disclosure requirements under section 325F.6641, subdivision 1. Damage, for the purpose of the calculation under this clause, 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. **Certain unconventional vehicles; additional information; identifying number.** (a) Except as provided in subdivision 6, if the application refers to a specially constructed vehicle, a reconstructed vehicle, or a restored pioneer 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.

(b) As part of the application for certificate of title on a restored pioneer vehicle, the applicant shall supply evidence of the manufacturer's year, make, model, and identifying number of the vehicle. A manufacturer's identifying number is valid under this paragraph if it matches a number permanently affixed, stamped, or otherwise assigned to at least one essential part of the motor vehicle, including but not limited to the engine block or the vehicle body. In the case of an insufficient application, the commissioner may require additional documentation to confirm the manufacturer's identifying number on the vehicle, including but not limited to photographic proof, copies of original vehicle catalogs, or certification letters from antique car collector organizations.

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; 2012 c 195 s 4; 2012 c 198 s 3; 2022 c 57 s 3,4*

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 for the vehicle or manufactured home.

Subd. 1a. **Manufactured home; statement of property tax payment.** In the case of a manufactured home, 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; exemptions.** The provisions of subdivision 1a do 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;

(2) a manufactured home which is sold pursuant to section 504B.265 by the owner of a manufactured home park; or

(3) a manufactured home for which a certificate of title is reissued under section 168A.142.

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.** (a) Each certificate of title issued by the department must contain:

(1) the date issued;

(2) the first, middle, and last names and the dates of birth of all owners who are natural persons, and the full names of all other owners;

(3) the residence address of the owner listed first if that owner is a natural person or the address if that owner is not a natural person;

(4) the names of any secured parties, and the address of the first secured party, listed in the order of priority (i) as shown on the application, or (ii) if the application is based on a certificate of title, as shown on the certificate, or (iii) as otherwise determined by the department;

(5) any liens filed pursuant to a court order or by a public agency responsible for child support enforcement against the owner;

(6) the title number assigned to the vehicle;

(7) 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;

(8) with respect to a motor vehicle subject to section 325E.15, (i) the true cumulative mileage registered on the odometer or (ii) that the actual mileage is unknown if the odometer reading is known by the owner to be different from the true mileage;

(9) if applicable, one or more of the following:

(i) with respect to a vehicle subject to sections 168A.151 and 325F.6642, the appropriate brand "flood damaged," "salvage," "prior salvage," or "reconstructed";

(ii) 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 brand "hazardous waste contaminated vehicle"; and

(iii) with respect to a vehicle subject to section 325F.665, the brand "lemon law vehicle"; and

(10) any other data the department prescribes.

(b) For a certificate of title on a vehicle that is a restored pioneer vehicle:

(1) the identifying number must be the valid identifying number as provided under section 168A.04, subdivision 5;

(2) the year of the vehicle must be the year of original vehicle manufacture and not the year of restoration; and

(3) the title must not bear a "reconstructed vehicle" brand.

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 form entitled "Notice of Sale" that contains, but is not limited to, the vehicle's title number and vehicle identification number. The form 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. [Repealed, 2008 c 287 art 1 s 126]

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 14, 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 and medium-speed electric vehicles; certificate required.** Neighborhood electric vehicles and medium-speed electric vehicles, as defined in section 169.011, subdivisions 39 and 47, must be titled as specified in section 168A.02. The department shall not issue a title for a neighborhood electric vehicle or a medium-speed 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; 2008 c 287 art 1 s 26,27; 2008 c 350 art 1 s 18; 2012 c 195 s 5; 2012 c 198 s 4-6; 2022 c 57 s 5

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, subject to subdivision 1a, 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 and amount provided in subdivision 1b.

Subd. 1a. **Ownership at issue; requirements for certificate issuance.** (a) In the event application is made in this state for a certificate of title on a vehicle with a model year designated by the manufacturer of more than five years prior to the year in which application is made, and the applicant is unable to establish sole ownership of the vehicle because one or more owners, prior owners, or lienholders cannot be found, the department shall issue a certificate of title to the applicant if the applicant submits:

(1) the application;

(2) a bond in the form and amount provided in subdivision 1b;

(3) an affidavit that identifies the make, model year, and vehicle identification number of the vehicle, and includes a statement that:

(i) the applicant is an owner of the vehicle;

(ii) the applicant has physical possession of the vehicle; and

(iii) in attempting to transfer interest in the vehicle or obtain a certificate of title or lien release, the applicant was unable after using due diligence to (A) determine the names or locations of one or more owners, prior owners, or lienholders; or (B) successfully contact one or more owners, prior owners, or lienholders known to the applicant; and

(4) payment for required taxes and fees.

(b) Unless the department has been notified of the pendency of an action to recover the bond under paragraph (a), clause (2), the department shall allow it to expire at the end of three years.

Subd. 1b. **Bond requirements.** A bond filed under this section must be 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 nontransferable 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.

Subd. 3. **Fees.** The filing fee to create a conditional registration shall conform with the fee provided in section 168.33, subdivision 7, paragraph (a), clause (2). A subsequent removal and clearing of a conditional registration is considered a separate transaction and requires payment of an additional filing fee of the same amount, provided the removal and clearing was initiated by a motor vehicle dealer licensed under section 168.27.

History: *1971 c 162 s 7; 1978 c 570 s 2; 2012 c 287 art 3 s 22; 2015 c 75 art 2 s 19; 2022 c 55 art 1 s 55*

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).

Subd. 3. **Consular identification card.** A valid and unexpired consular identification card issued to the applicant by the recognized consulate of a jurisdiction other than the United States is a primary document for purposes of Minnesota Rules, part 7410.0400, and successor rules, when the applicant is an individual who is applying as the owner for a vehicle title or registration.

History: *1988 c 634 s 9; 1Sp2019 c 3 art 3 s 28*

168A.09 DUPLICATE CERTIFICATE.

Subdivision 1. **Application, issuance, form, bond, and notice.** (a) In the event a certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the owner or legal representative of the owner named in the certificate may submit an application to the department or a deputy registrar for a duplicate in a format prescribed by the department. The department or deputy registrar must issue a duplicate certificate of title if satisfied that the applicant is entitled to the duplicate certificate of title. The duplicate certificate of title must be plainly marked as a duplicate and mailed or delivered to the owner. The department or deputy registrar must indicate in the driver and vehicle information system records that a duplicate certificate of title 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 must contain the legend: "This duplicate certificate of title may be subject to the rights of a person under the original certificate."

(b) The commissioner must allow duplicate certificate of title issuance by a deputy registrar, subject to procedures established by the commissioner.

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.

Subd. 4. **Restored pioneer vehicle; replacement title.** (a) The owner of a vehicle may apply to the commissioner for a replacement title if:

(1) a Minnesota title has been issued prior to August 1, 2012; and

(2) the vehicle meets the requirements for a restored pioneer vehicle under section 168A.01, subdivision 16d.

(b) The commissioner shall establish and make publicly available requirements for an application under this subdivision, and shall make reasonable efforts to minimize burden on the title applicant. Among the application requirements, a person applying for a replacement title shall surrender the original title.

(c) The commissioner shall impose a fee for a replacement title issued under this subdivision that is equal to the fee for issuing a duplicate certificate of title under section 168A.29. Fee proceeds must be allocated in the same manner as the fee for a duplicate certificate of title.

History: *1971 c 162 s 9; 1989 c 148 s 6; 2002 c 371 art 1 s 18; 2012 c 195 s 6; 1Sp2017 c 3 art 3 s 40; 2023 c 25 s 76*

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 form 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; 2008 c 287 art 1 s 28*

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) a written claim for refund;

(2) an affidavit correcting ownership signed by the parties; and

(3) the outstanding certificate of title, if available, with proper assignment.

Subd. 2. **Refunds.** A party may be eligible for a refund of taxes paid pursuant to chapter 297B only if the items indicated in subdivision 1 are submitted within the 90-day time frame unless otherwise provided by law. No other taxes or fees paid may be refunded due to the cancellation of a motor vehicle sale.

History: *1Sp2001 c 8 art 2 s 38; 2008 c 287 art 1 s 29*

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 of $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 of $7 per transaction to provide this service.

Subd. 3. **Records.** Every dealer must 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 must be open to inspection by a representative of the department or peace officer during established inspection hours listed on the initial dealer license application or as noted on the dealer record. With respect to motor vehicles subject to the provisions of section 325E.15, the record must 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 must 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.** Two or more new motor vehicle dealers under common management or control may apply to the department in writing for permission to maintain the records required by this section and section 168.27, subdivision 10, paragraph (a), clause (1), item (i), at a single location. The department shall consent to the application unless it provides a reasonable basis for denial. 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; 2011 c 48 s 2; 1Sp2021 c 5 art 4 s 43,44; 2023 c 68 art 5 s 19*

168A.12 INTEREST PASSING BY NONVOLUNTARY TRANSFER.

Subdivision 1. **Last certificate; proof of transfer; 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 or an assignee of the secured party, 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 or assignee 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 or assignee succeeds to the interest of the owner and holds the vehicle for resale, the secured party or assignee 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 or assignee to the department in duplicate within 48 hours, but upon transfer to another person the secured party or assignee 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; 1Sp2019 c 3 art 3 s 29*

168A.125 TRANSFER-ON-DEATH TITLE TO MOTOR VEHICLE.

Subdivision 1. **Titled as transfer-on-death.** A natural person who is the owner of a motor vehicle may have the motor vehicle titled in transfer-on-death or TOD form by including in the application for the certificate of title a designation of a beneficiary or beneficiaries to whom the motor vehicle must be transferred on death of the owner or the last survivor of joint owners with rights of survivorship, subject to the rights of secured parties.

Subd. 2. **Designation of beneficiary.** A motor vehicle is registered in transfer-on-death form by designating on the certificate of title the name of the owner and the names of joint owners with identification of rights of survivorship, followed by the words "transfer-on-death to (name of beneficiary or beneficiaries)." The designation "TOD" may be used instead of "transfer-on-death." A title in transfer-on-death form is not required to be supported by consideration, and the certificate of title in which the designation is made is not required to be delivered to the beneficiary or beneficiaries in order for the designation to be effective. If the owner of the motor vehicle is married at the time of the designation, the designation of a beneficiary other than the owner's spouse requires the spouse's written consent.

Subd. 3. **Interest of beneficiary.** The transfer-on-death beneficiary or beneficiaries have no interest in the motor vehicle until the death of the owner or the last survivor of joint owners with rights of survivorship. A beneficiary designation may be changed at any time by the owner or by all joint owners with rights of survivorship, without the consent of the beneficiary or beneficiaries, by filing an application for a new certificate of title.

Subd. 4. **Vesting of ownership in beneficiary.** Ownership of a motor vehicle titled in transfer-on-death form vests in the designated beneficiary or beneficiaries on the death of the owner or the last of the joint owners with rights of survivorship, subject to the rights of secured parties. The transfer-on-death beneficiary or beneficiaries who survive the owner may apply for a new certificate of title to the motor vehicle upon submitting a certified death record of the owner of the motor vehicle. If no transfer-on-death beneficiary or beneficiaries survive the owner of a motor vehicle, the motor vehicle must be included in the probate estate of the deceased owner. A transfer of a motor vehicle to a transfer-on-death beneficiary or beneficiaries is not a testamentary transfer.

Subd. 5. **Rights of creditors.** (a) This section does not limit the rights of any secured party or creditor of the owner of a motor vehicle against a transfer-on-death beneficiary or beneficiaries.

(b) The state or a county agency with a claim or lien authorized by section 246.53, 256B.15, 261.04, or 270C.63 is a creditor for purposes of this subdivision. A claim authorized by section 256B.15 against the estate of an owner of a motor vehicle titled in transfer-on-death form voids any transfer-on-death conveyance of a motor vehicle as described in this section. A claim or lien under section 246.53, 261.04, or 270C.63 continues to apply against the designated beneficiary or beneficiaries after the transfer under this section if other assets of the deceased owner's estate are insufficient to pay the amount of the claim. The claim or lien continues to apply to the motor vehicle until the designated beneficiary sells or transfers it to a person against whom the claim or lien does not apply and who did not have actual notice or knowledge of the claim or lien.

History: *1Sp2017 c 3 art 3 s 41*

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 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 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 MS 2020 [Repealed, 1Sp2021 c 8 art 3 s 5]

168A.1411 MANUFACTURED HOME AFFIXED TO REAL PROPERTY OWNED BY COOPERATIVE.

Subdivision 1. **Certificates surrendered for cancellation; cooperatives.** (a) When a manufactured home is to be affixed or is affixed, as defined in section 273.125, subdivision 8, paragraph (b), to real property owned by a Minnesota nonprofit corporation or a Minnesota cooperative, the owner of the manufactured home may surrender the manufacturer's certificate of origin or certificate of title to the department for cancellation so that the manufactured home becomes an improvement to real property and is no longer titled as personal property. The department must not issue a certificate of title for a manufactured home under chapter 168A if the manufacturer's certificate of origin is or has been surrendered under this subdivision, except as provided in section 168A.142. Upon surrender of the manufacturer's certificate of origin or the certificate of title, the department must issue notice of surrender to the owner and upon recording an affidavit of affixation, which the county recorder or registrar of titles, as applicable, must accept, the manufactured home is deemed to be an improvement to real property. An affidavit of affixation by the owner of the manufactured home must include the following information:

(1) the name, residence address, and mailing address of the owner or owners of the manufactured home;

(2) the legal description of the real property in which the manufactured home is, or will be, located;

(3) a copy of the surrendered manufacturer's certificate of origin or certificate of title and the notice of surrender;

(4) a written statement from the county auditor or county treasurer of the county where the manufactured home is located stating that all property taxes payable in the current year, as provided under section 273.125, subdivision 8, paragraph (b), have been paid or are not applicable; and

(5) the signature of the person who executes the affidavit, properly executed before a person authorized to authenticate an affidavit in this state.

(b) A certified copy of the affidavit must be delivered to the county auditor of the county in which the real property to which the manufactured home was affixed is located.

(c) The department is not liable for any errors, omissions, misstatements, or other deficiencies or inaccuracies in documents presented to the department under this section if the documents presented appear to satisfy the requirements of this section. The department has no obligation to investigate the accuracy of statements contained in the documents.

Subd. 2. **Affidavit form; cooperatives.** An affidavit of affixation must be in substantially the following form and must contain the following information:

MANUFACTURED HOME AFFIDAVIT OF AFFIXATION IN A COOPERATIVE

PURSUANT TO MINNESOTA STATUTES, SECTION 168A.1411

Homeowner, being duly sworn, on his or her oath, states as follows:

1. Homeowner owns the manufactured home ("home") described as follows:

.....

New/Used	Year	Manufacturer's Name	Model Name or Model No.	Manufacturer's Serial No.	Length/Width

2. A copy of the surrendered manufacturer's certificate of origin or certificate of title is attached.

3. A copy of the notice of surrender issued from the Minnesota Department of Public Safety Driver and Vehicle Services is attached.

4. The home is or will be located at the following "Property Address":

.....

Street or Route ..... City ..... County ..... State ..... Zip Code .....

5. The legal description of the property address ("land") is as follows or as attached hereto:

.....

.....

.....

6. The owner of the land is a Minnesota nonprofit corporation or Minnesota cooperative that owns the land and whose membership entitles the homeowner to occupy a specific portion of the land.

7. The home ..... is, or ..... will be promptly upon delivery, anchored to the land by attachment to a permanent foundation and connected to appropriate residential utilities (e.g., water, gas, electricity, sewer).

8. The homeowner intends that the home be an immovable permanent improvement to the land, free of any personal property security interest.

9. A copy of the written statement from the county auditor or county treasurer of the county in which the manufactured home is then located, stating that all property taxes payable in the current year (pursuant to Minnesota Statutes, section 273.125, subdivision 8, paragraph (b)), have been paid, or are not applicable, is attached.

10. The home is intended to be assessed and taxed as an improvement to the land.

Signed and sworn to (or affirmed) before me on ..... (date) by ..... (names of homeowner(s))

....

Homeowner Signature Address

....

Printed Name City, State

.....

Homeowner Signature (if applicable)

.....

Printed Name

This instrument was drafted by, and when recorded return to:

.....

.....

.....

Subscribed and sworn to before me this ..... day of ....., ...

.....

Signature of Notary Public or Other Official

Notary Stamp or Seal

(optional)

Lender's Statement of Intent:

The undersigned ("lender") intends that the home be immovable and a permanent improvement to the land free of any personal property security interest.

.....

Lender

By: .....

Authorized Signature

STATE OF .....)

.....) ss:

COUNTY OF .....)

On the ..... day of ..... in the year ..... before me, the undersigned, a Notary Public in and for said state, personally appeared

.....

personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person on behalf of which the individual(s) acted, executed the instrument.

.....

Notary Signature

.....

Notary Printed Name

Notary Public, State of .....

Qualified in the County of .....

My commission expires .....

Official seal:

[only if the owner of the land is a Minnesota nonprofit corporation or cooperative]:

The undersigned is the ..... of ....., a Minnesota [nonprofit corporation or cooperative], which owns the land described above. I hereby certify that the homeowner described above is a member of the [nonprofit corporation or cooperative] whose membership entitles the homeowner to occupy [insert legal description of the homeowner's lot or, if the corporation or cooperative has filed a scaled drawing as permitted by Minnesota Statutes, section 168A.1411, subdivision 5, Lot ..... shown on such scaled drawing].

.....

Signature block for nonprofit or cooperative

.....

Acknowledgment of officer of nonprofit or cooperative

Subd. 3. **Perfected security interest prevents surrender.** The department may not cancel a certificate of title if, under this chapter, a security interest has been perfected on the manufactured home. If a security interest has been perfected, the department must notify the owner that each secured party must release or satisfy the security interest prior to proceeding with surrender of the manufacturer's certificate of origin or certificate of title to the department for cancellation. Permanent attachment to real property or the recording of an affidavit of affixation does not extinguish an otherwise valid security interest in or tax lien on the manufactured home, unless the requirements of subdivisions 1 to 3, including the release of any security interest, have been satisfied.

Subd. 4. **Notice of security interest.** When a perfected security interest exists, or will exist, on the manufactured home at the time the manufactured home is affixed to real property, and the owner has not satisfied the requirements of subdivision 1, the owner of the manufactured home, or its secured party, may record 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 and is not an improvement to real property. 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 must 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 recorded 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.

Subd. 5. **Scaled drawing.** (a) If the portion of the land occupied by the homeowner has not been subdivided, the nonprofit or cooperative owner shall have prepared and recorded against the land a scaled drawing prepared by a licensed professional land surveyor who shall certify that:

(1) the scaled drawing accurately depicts all information required by this subdivision; and

(2) the work was undertaken by, or reviewed and approved by, the certifying land surveyor.

(b) The scaled drawing shall show:

(1) the dimensions and location of all existing material structural improvements and roadways;

(2) the extent of any encroachments by or upon any portion of the land;

(3) the location and dimensions of all recorded easements within the land burdening any portion of the land;

(4) the distance and direction between noncontiguous parcels of real estate;

(5) the location and dimensions of the front, rear, and side boundaries of each lot that a member of the cooperative or nonprofit corporation has a right to occupy and that lot's unique lot number; and

(6) the legal description of the land.

History: *1Sp2021 c 8 art 3 s 1*

168A.1412 MANUFACTURED HOME AFFIXED TO REAL PROPERTY.

Subdivision 1. **Manufactured home as real property.** A manufactured home may be made an improvement to real property, and no longer titled as personal property, pursuant to this section. A manufactured home constitutes an improvement to real property when:

(1) the manufactured home is to be affixed or is affixed, as defined in section 273.125, subdivision 8, paragraph (b), to the real property;

(2) the certificate of title is surrendered and canceled pursuant to subdivision 2, or the manufacturer's certificate or statement of origin is canceled pursuant to subdivision 3; and

(3) an affidavit of affixation pursuant to subdivision 5 is recorded with the county recorder or registrar of titles, as applicable.

Subd. 2. **Surrender of certificate of title.** (a) The owner of the manufactured home may surrender the manufacturer's certificate of title to the commissioner for cancellation. Upon receipt of the certificate of title, the commissioner must issue notice of cancellation to the owner of the manufactured home. In the event the certificate of title is lost, stolen, mutilated, destroyed, or becomes illegible, the owner may submit a written request for cancellation of the title which includes the serial number of the manufactured home and states that the certificate of title is lost, stolen, mutilated, destroyed, or has become illegible. Upon receipt of the request and verification of ownership in Driver and Vehicle Services Division records, the commissioner must issue notice of cancellation to the owner of the manufactured home and must not require the owner to deliver the certificate of title or obtain a duplicate certificate of title. After canceling a certificate of title, the commissioner must not allow transfer of the title to the manufactured home as personal property. The commissioner must not require the owner of the manufactured home to deliver the affidavit of affixation described in subdivision 5 in order for the commissioner to issue notice of cancellation.

(b) The commissioner must not cancel a certificate of title if, under this chapter, a security interest has been perfected on the manufactured home. If a security interest has been perfected, the commissioner must notify the owner of the manufactured home that each secured party must release or satisfy the security interest prior to cancellation of the certificate of title by the commissioner. Affixing the manufactured home

to real property or recording an affidavit of affixation without cancellation of the certificate of title does not extinguish an otherwise valid security interest in or tax lien on the manufactured home.

Subd. 3. **Surrender of manufacturer's certificate of origin.** The owner of the manufactured home may surrender the manufacturer's certificate of origin to the commissioner for cancellation. Upon delivery of the original certificate of origin, the commissioner must issue notice of cancellation to the owner of the manufactured home. The commissioner must not issue a certificate of title for a manufactured home if the manufacturer's certificate of origin is or has been canceled under this subdivision, except as provided in section 168A.142. The commissioner must not require the owner of the manufactured home to deliver the affidavit of affixation described in subdivision 5 in order for the commissioner to cancel the certificate of origin.

Subd. 4. **Verification.** The commissioner is not liable for any errors, omissions, misstatements, or other deficiencies or inaccuracies in documents presented to the commissioner under this section if the documents presented appear to satisfy the requirements of this section. The commissioner has no obligation to investigate the accuracy of statements contained in the documents to verify that the manufactured home has been affixed to the real property.

Subd. 5. **Affidavit of affixation.** An affidavit of affixation must be in substantially the following form and must contain the following information and attachments described in the form. The county recorder or registrar of titles, as applicable, must accept any such affidavit. The county recorder or registrar of titles, as applicable, must provide a copy of the recorded affidavit of affixation to the county auditor of the county for the real property described therein or otherwise inform the county auditor that the home is to be taxed as an improvement to the real property to which it is affixed:

MANUFACTURED HOME AFFIDAVIT OF AFFIXATION

PURSUANT TO MINNESOTA STATUTES, SECTION 168A.1412

..... ("Affiant"), being first duly sworn, on oath states, or affirms under penalties of perjury that:

1. I am an owner of the manufactured home ("Manufactured Home") described as follows:

Manufacturer's name: .....

Make: .....

Model number: .....

Model year: .....

Serial number: .....

Dimensions: .....

Other descriptive information (if any): .....

2. The Manufactured Home is ..... or will be ..... (check one) affixed, in accordance with Minnesota Statutes, section 273.125, subdivision 8, to real property in ..... County, Minnesota, with the street address of:

Street or route: .....

City: .....

State: .....

Zip code: .....

and legally described as follows ("Land"):

.....

.....

.....

Check here if all or part of the described real property is Registered (Torrens) .....

3. A copy of the notice of cancellation issued from the Minnesota Department of Public Safety Driver and Vehicle Services pursuant to Minnesota Statutes, section 168A.1412, subdivision 2 or 3, is attached.

4. The owner(s) of the Manufactured Home is/are the owner(s) of the Land.

5. The Affiant makes this affidavit to demonstrate that the Manufactured Home is an improvement to real property, no longer titled as personal property, and free of any personal property security interest.

Affiant

.....

(Signature)

Signed and sworn to (or affirmed) before me this ..... day of ....., ...

Notary Stamp or Seal

.....

Signature of notarial officer Title (and Rank):

My commission expires: .....

This instrument was drafted by, and when recorded return to

.....

Subd. 6. **Notice of security interest.** When a perfected security interest exists, or will exist, on the manufactured home at the time the manufactured home is affixed to real property, and the owner has not satisfied the requirements of subdivision 1, the owner of the manufactured home, or its secured party, may record 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 and is not an improvement to real property. 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 must 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 recorded 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: *1Sp2021 c 8 art 3 s 2*

168A.142 MANUFACTURED HOME UNAFFIXED FROM REALTY.

Subdivision 1. **Certificate of title requirements.** The department must issue an initial certificate of title or reissue a previously surrendered certificate of title for a manufactured home to an applicant if:

(1) the owner of the manufactured home, or a previous owner, surrendered the manufacturer's certificate of origin or certificate of title to the department as provided in section 168A.1412, subdivisions 2 and 3;

(2) the applicant provides the written evidence specified in subdivision 2;

(3) the owner of the manufactured home fulfills the applicable application requirements of section 168A.04; and

(4) the application is accompanied by a written statement from the county auditor or county treasurer of the county in which the manufactured home is then located and affixed, stating that all property taxes payable in the current year, as provided under section 273.125, subdivision 8, paragraph (b), have been paid.

Subd. 2. **Evidence of eligibility for reissuance.** (a) The evidence required under subdivision 1, clause (2), is as follows:

(1) an affidavit of severance recorded in the office of the county recorder or registrar of titles, which they shall accept, and whichever applies to the real property, of the county where the affidavit of affixation or notice of surrender was recorded as required in section 168A.1412, subdivision 5, and the affidavit of severance contains:

(i) the name, residence address, and mailing address of the owner or owners of the manufactured home;

(ii) a description of the manufactured home being severed, including the name of the manufacturer and dimensions, and if available, the make, model year, and manufacturer's serial number of the manufactured home and, such information as may be available from the previously recorded affidavit of affixation or notice of surrender as required in section 168A.1412, subdivision 5; and

(iii) a statement of any facts or information known to the person executing the affidavit that could affect the validity of the title of the manufactured home, the nonexistence of a security interest in the manufactured home, and a statement that no such facts or information are known to the person executing the affidavit;

(2) as an attachment to the affidavit of severance, an opinion by an attorney admitted to practice law in this state, stating:

(i) the nature of the examination of title performed prior to giving this opinion by the person signing the opinion;

(ii) that the manufactured home and the real property on which it is located is not subject to, or pending completion of a refinance, purchase, or sale transaction, and will not be subject to any recorded mortgages, security interests, liens, or other encumbrances of any kind;

(iii) that the person signing the opinion knows of no facts or circumstances that could affect the validity of the title of the manufactured home or the existence or nonexistence of any recorded mortgages, security interests, or other encumbrances of any kind, other than property taxes payable in the year the affidavit is signed;

(iv) the person or persons owning record title to the real property to which the manufactured home has been affixed and the nature and extent of the title owned by each of these persons; and

(v) that the person signing the opinion has reviewed all provisions of the affidavit of severance and certifies that they are correct and complete to the best of the knowledge of the person signing the opinion;

(3) the name and address of the person, persons designated by the applicant to file the original affidavit of severance with the county recorder or county registrar of titles, whichever applies to the real property; and

(4) the signature of the person who executes the affidavit, properly executed before a person authorized to authenticate an affidavit in this state.

(b) The person designated in paragraph (a), clause (3), must record, or arrange for the recording of, the affidavit of severance as referenced in that item, accompanied by the fees for recording and for issuing a certified copy of the affidavit, including all attachments, showing the recording date.

(c) Upon obtaining the certified copy under paragraph (b), the person designated in the affidavit must deliver the certified copy to the county auditor of the county in which the real estate to which it was affixed is located.

(d) The department is not liable for any errors, omissions, misstatements, or other deficiencies or inaccuracies in documents presented to the department under this section, so long as the documents presented appear to satisfy the requirements of this section. The department has no obligation to investigate the accuracy of statements contained in the documents.

Subd. 3. **Affidavit form.** The affidavit of severance must be in substantially the following form and must contain the following information.

MANUFACTURED HOME AFFIDAVIT OF SEVERANCE

PURSUANT TO MINNESOTA STATUTES, SECTION 168A.142

Homeowner, being duly sworn, on his or her oath, states as follows:

1. Homeowner owns the manufactured home ("home") described as follows:

.....

New/Used	Year	Manufacturer's Name	Model Name or Model No.	Manufacturer's Serial No.	Length/Width

2. A copy of the previously surrendered manufacturer's certificate of origin or certificate of title is attached (if available).

3. A copy of the notice of surrender issued from the Minnesota Department of Public Safety Driver and Vehicle Services is attached (if available).

4. The home is or will be located at the following "Property Address":

.....

Street or Route ..... City ..... County ..... State ..... Zip Code .....

5. The legal description of the property address ("land") is as follows or as attached:

.....

.....

.....

6. The homeowner does not know of any facts or information that could affect the validity of title of the manufactured home, except:

.....

.....

7. The homeowner does not know of any such security interest in the manufactured home which has not been satisfied or released.

8. A copy of an opinion by an attorney admitted to practice law in Minnesota is attached, which provides for the required title evidence as set forth in Minnesota Statutes, section 168A.142, subdivision 2, clause (2), items (i) to (v).

9. A copy of the written statement from the county auditor or county treasurer of the county in which the manufactured home is then located, stating that all property taxes payable in the current year (pursuant to Minnesota Statutes, section 273.125, subdivision 8, paragraph (b)), have been paid, or are not applicable, is attached.

10. The name and address of the person designated by the homeowner to record the original affidavit of surrender with the county recorder or registrar of titles of the county in which the real estate is located is:

Name .....

Street Address .....

City, State, Zip Code .....

Phone .....

Email .....

IN WITNESS WHEREOF, homeowner(s) have executed this affidavit on this ..... day of ....., 20...

....

Homeowner Signature Address

....

Printed Name City, State

.....

Homeowner Signature (if applicable)

.....

Printed Name

This instrument was drafted by, and when recorded return to:

.....

.....

Subscribed and sworn to before me this ..... day of ....., ...

.....

Signature of Notary Public or Other Official

Notary Stamp or Seal

History: *2012 c 198 s 8; 1Sp2017 c 3 art 3 s 43; 1Sp2021 c 8 art 3 s 4*

168A.143 MANUFACTURED HOMES; OWNERSHIP AT ISSUE.

Subdivision 1. **Requirements for certificate issuance or reissuance.** When an applicant is unable to obtain from or locate previous owners no longer holding an interest in the manufactured home based on a certificate of title, or to locate, obtain, or produce the original certificate of origin or certificate of title for a manufactured home, and there is no evidence of a surrendered certificate of title or manufacturer's statement of origin as provided in section 168A.1412, subdivisions 2 and 3, which has not otherwise been unaffixed or is being unaffixed as provided in section 168A.142, the department must issue or reissue a certificate of title to a manufactured home when the applicant submits:

(1) the application, pursuant to the requirements of section 168A.04, in a form prescribed by the department;

(2) an affidavit that:

(i) identifies the name of the manufacturer and dimensions, and if available, the make, model number, model year, and manufacturer's serial number of the manufactured home; and

(ii) certifies the applicant is the owner of the manufactured home, has physical possession of the manufactured home, knows of no facts or circumstances that materially affect the validity of the title of the manufactured home as represented in the application, and provides copies of such ownership documents, so far as the documents exist, including by way of example:

(A) bill of sale;

(B) financing, replevin, or foreclosure documents;

(C) appraisal;

(D) insurance certification;

(E) personal property tax bill;

(F) landlord certification;

(G) affidavit of survivorship or estate documents;

(H) divorce decree; or

(I) court order;

(3) an affidavit by an attorney admitted to practice law in this state stating:

(i) the attorney has performed a search of the Minnesota Department of Public Safety Driver and Vehicles Services records within 120 days of the date of application to obtain a certificate of origin or certificate of title on behalf of the applicant, but was unable to determine the names or locations of one or more owners or prior owners of the manufactured home;

(ii) if applicable, the attorney was unable to successfully contact one or more owners, or prior owners, after providing written notice 45 days prior to the registered and last known owner by certified mail at the address shown on Driver and Vehicles Services records, or if the last known address if different from Driver and Vehicles Services records, then also the last known address as known to the applicant;

(iii) if the attorney is unable to contact one or more owners, or previous owners, by sending a letter by certified mail, then the attorney must present to the department, as an attachment to its affidavit, the returned letter as evidence of the attempted contact, or the acknowledgment of receipt of the letter, together with an affidavit of nonresponse; and

(iv) the attorney knows of no facts or circumstances that materially affect the validity of the title of the manufactured home as represented in the application, other than property taxes payable in the year the affidavit is signed; and

(4) payment for required current year taxes and fees as prescribed by the department.

Subd. 2. **Satisfaction of manufactured home security lien; release.** A security interest perfected under this chapter may be canceled seven years from the perfection date for a manufactured home, upon the request of the owner of the manufactured home, if the owner has paid the lien in full or the lien has been abandoned and the owner is unable to locate the lienholder to obtain a lien release. The owner must send a letter to the lienholder by certified mail, return receipt requested, stating the reason for the release and 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 the returned letter as evidence of the attempted contact, or the acknowledgment of receipt of the letter, together with a copy of the letter and an owner affidavit of nonresponse.

Subd. 3. **Suspension or revocation of certificate.** (a) Pursuant to section 168A.23, the department may revoke a previously issued certificate of title issued under this section.

(b) The department is not liable for any errors, omissions, misstatements, or other deficiencies or inaccuracies in documents submitted to the department under this section, provided the documents submitted appear to satisfy the requirements of this section. The department is not required to investigate the accuracy of statements contained in submitted documents.

History: *1Sp2017 c 3 art 3 s 44; 1Sp2021 c 8 art 3 s 4*

168A.15 RECONSTRUCTED, SCRAPPED, DISMANTLED, OR DESTROYED VEHICLE.

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

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

Subd. 3. **Title; scrapped, dismantled, or destroyed vehicle.** A dealer who purchases a vehicle as scrap or to be dismantled or destroyed shall maintain the certificate of title on the vehicle for three years before destroying the title as prescribed by the commissioner. 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; 2012 c 195 s 7; 2013 c 126 s 4*

168A.1501 SCRAPPED, DISMANTLED, OR DESTROYED VEHICLE.

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Law enforcement agency" or "agency" means a duly authorized municipal, county, state, or federal law enforcement agency.

(c) "Person" means an individual, partnership, limited partnership, limited liability company, corporation, or other entity.

(d) "Scrap vehicle" means a motor vehicle purchased primarily as scrap, for its reuse or recycling value as raw metal, or for dismantling for parts.

(e) "Scrap vehicle operator" or "operator" means the following persons who engage in a transaction involving the purchase or acquisition of a scrap vehicle: scrap metal processors licensed under section 168.27, subdivision 1a, paragraph (c); used vehicle parts dealers licensed under section 168.27, subdivision 1a, paragraph (d); scrap metal dealers under section 325E.21; and junk yards under section 471.925.

(f) "Motor vehicle" has the meaning given in section 169.011, subdivision 42.

(g) "Proof of identification" means a driver's license, Minnesota identification card number, or other identification document issued for identification purposes by any state, federal, or foreign government if the document includes the person's photograph, full name, birth date, and signature.

(h) "Seller" means any seller, prospective seller, or agent of the seller.

Subd. 2. **Purchase or acquisition record required.** (a) Every scrap vehicle operator, including an agent, employee, or representative of the operator, shall create a permanent record written in English, using ink or an electronic record program, as appropriate, at the time of each purchase or acquisition of a scrap vehicle. The record must include:

(1) the vehicle identification number; license plate number, if any, including state of issue and month and year of validation; and vehicle make, model, and color;

(2) the date, time, and place of the receipt of the vehicle purchased or acquired and a unique transaction identifier;

(3) a photocopy or electronic scan of the seller's proof of identification including the identification number;

(4) the amount paid and the number of the check or electronic transfer used to purchase the vehicle;

(5) the license plate number and description of the vehicle used by the person when delivering the scrap vehicle, including the vehicle make and model, and any identifying marks on the vehicle, such as a business name, decals, or markings, if applicable;

(6) a statement signed by the seller, under penalty of perjury as provided in section 609.48, attesting that the scrap vehicle is not stolen and is free of any liens or encumbrances and the seller has the right to sell it;

(7) a copy of the title, if any, provided by the seller of a motor vehicle or, if no title is provided, documentation required under (i) subdivision 8, clause (3), item (i), or (ii) subdivision 9, paragraph (a), clause (3), item (i); and

(8) a copy of the receipt, which must include at least the following information: the name and address of the operator; the date and time the scrap vehicle was received by the operator; an accurate description of the scrap vehicle; and the amount paid for the scrap vehicle.

(b) The record, as well as the scrap vehicle purchased or received, shall at all reasonable times be open to the inspection of any properly identified law enforcement officer.

(c) No record is required for property purchased from manufacturers, salvage pools, merchants operating under a contract with a scrap vehicle operator, insurance companies, rental car companies, financial institutions, charities, dealers licensed under section 168.27, or wholesale dealers, having an established place of business, or of any goods purchased at open sale from any bankrupt stock, but a receipt as required under paragraph (a), clause (8), shall be obtained and kept by the person, which must be shown upon demand to any properly identified law enforcement officer.

(d) The operator must provide a copy of the receipt required under paragraph (a), clause (8), to the seller in every transaction.

(e) Law enforcement agencies in the jurisdiction where an operator is located may conduct regular and routine inspections to ensure compliance, refer violations to the city or county attorney for criminal prosecution, and notify the registrar of motor vehicles.

(f) Except as otherwise provided in this section, a scrap vehicle operator or the operator's agent, employee, or representative may not disclose personal information concerning a customer without the customer's consent unless the disclosure is required by law or made in response to a request from a law enforcement agency. A scrap vehicle operator must implement reasonable safeguards to protect the security of the personal information and prevent unauthorized access to or disclosure of the information. For purposes of this paragraph, "personal information" is any individually identifiable information gathered in connection with a record under paragraph (a).

Subd. 3. **Retention required.** Records required to be maintained by subdivision 2 shall be retained by the scrap vehicle operator for a period of three years, and a dealer licensed under section 168.27 shall maintain records and information as required under section 168A.11, subdivision 3.

Subd. 4. **Payment by check or electronic transfer required.** (a) Except as provided in paragraph (b), a scrap vehicle operator or the operator's agent, employee, or representative shall pay for all scrap vehicle purchases only by check or electronic transfer.

(b) For purchase of a scrap vehicle without a title, payment shall be made only by check or by electronic transfer of funds to a bank account. Checks shall be payable only to the individual providing proof of identification at the time of purchase. The operator shall retain a record of the mailing address or unique transaction identifier for a period of three years and such information shall at all reasonable times be open for inspection by a properly identified law enforcement officer.

(c) This subdivision does not apply to transactions under subdivision 2, paragraph (c).

Subd. 5. [Repealed, 2015 c 65 art 3 s 38]

Subd. 5a. [Repealed, 2015 c 65 art 3 s 38]

Subd. 6. **Additional reporting.** The following entities must submit information on the purchase or acquisition of a scrap vehicle to the National Motor Vehicle Title Information System, established pursuant to United States Code, title 49, section 30502, by the close of business the following day:

(1) an operator who is not licensed under section 168.27; and

(2) an operator who purchases a scrap vehicle under subdivision 9.

Subd. 7. **Vehicle with proof of ownership; title or bill of sale required.** Except as provided in subdivisions 8, 9, and 10, no person shall purchase a scrap vehicle unless the seller:

(1) provides the vehicle title and lien releases, if the vehicle is subject to any liens, or an official bill of sale issued by a public impound lot, each listing the vehicle identification number;

(2) provides proof of identification; and

(3) signs a statement, under penalty of perjury as provided in section 609.48, attesting that the motor vehicle is not stolen and is free of any liens or encumbrances and that the seller has the right to sell the motor vehicle.

Subd. 8. **Vehicle without proof of ownership; certain older vehicles.** If the provisions of subdivision 7 are not met, an operator may purchase a scrap vehicle if:

(1) the operator is a dealer licensed under section 168.27;

(2) the vehicle has a manufacturer's designated model year equal to or less than the tenth year immediately preceding the current calendar year; and

(3) the seller:

(i) provides printed documentation from the commissioner that the vehicle has not been registered for more than seven years;

(ii) provides proof of identification; and

(iii) signs a statement, under penalty of perjury as provided in section 609.48, attesting that the motor vehicle is not stolen and is free of any liens or encumbrances and that the seller has the right to sell the motor vehicle.

Subd. 9. **Vehicle without proof of ownership; vehicles for dismantling.** (a) If the provisions of subdivision 7 are not met, an operator may purchase a scrap vehicle if:

(1) the operator is a used vehicle parts dealer licensed under section 168.27;

(2) the vehicle is being purchased for dismantling for its parts; and

(3) the seller:

(i) agrees in writing to a sale with a seven-day hold period;

(ii) provides proof of identification; and

(iii) signs a statement, under penalty of perjury as provided in section 609.48, attesting that the motor vehicle is not stolen and is free of any liens or encumbrances and that the seller has the right to sell the motor vehicle.

(b) An operator purchasing a scrap vehicle under this subdivision shall:

(1) hold the vehicle for a period of seven consecutive days, excluding Saturdays, Sundays, and holidays; and

(2) not scrap, resell, dismantle, or in any way destroy the vehicle during the hold period under clause (1).

Subd. 10. **Exempt purchases.** Subdivisions 7, 8, and 9 do not apply when a scrap vehicle is:

(1) purchased from a manufacturer, salvage pool, merchant operating under a contract with a scrap vehicle operator, insurance company, rental car company, financial institution, charity, dealer licensed under section 168.27, or wholesale dealers, having an established place of business, or of any goods purchased at open sale from any bankrupt stock; or

(2) an inoperable motor vehicle with a manufacturer's designated model year equal to or less than the 20th year immediately preceding the current calendar year.

Subd. 11. **Criminal penalty.** A scrap vehicle operator, or the agent, employee, or representative of the operator, who intentionally violates a provision of this section, is guilty of a misdemeanor.

Subd. 12. **Investigative holds; scrap vehicle or parts.** (a) Whenever a law enforcement official from any agency has probable cause to believe that a scrap vehicle or motor vehicle parts in the possession of a scrap vehicle operator are stolen or evidence of a crime and notifies the operator not to sell the item, the scrap vehicle operator shall not (1) process or sell the item, or (2) remove or allow its removal from the premises. This investigative hold must be confirmed in writing by the originating agency within 72 hours and will remain in effect for 30 days from the date of initial notification, or until the investigative hold is canceled or renewed, or until a law enforcement notification to confiscate or directive to release is issued, whichever comes first.

(b) If a scrap vehicle or motor vehicle parts are identified as stolen or evidence in a criminal case, a law enforcement official may:

(1) physically confiscate and remove the item from the scrap vehicle operator, pursuant to a written notification;

(2) place the item on hold or extend the hold under paragraph (a) and leave it on the premises; or

(3) direct its release to a registered owner or owner's agent.

When an item is confiscated, the person doing so shall provide identification upon request of the scrap vehicle operator, and shall provide the name and telephone number of the confiscating agency and investigator, and the case number related to the confiscation.

(c) An operator may request seized property be returned in accordance with section 626.04.

(d) When an investigative hold or notification to confiscate is no longer necessary, the law enforcement official or designee shall so notify the operator.

(e) A scrap vehicle operator may process or otherwise dispose of the scrap vehicle or motor vehicle parts if:

(1) a notification to confiscate is not issued during the investigative hold; or

(2) a law enforcement official does not physically remove the item from the premises within 15 calendar days from issuance of a notification to confiscate.

(f) If a scrap vehicle operator is required to hold a scrap vehicle or motor vehicle parts at the direction of law enforcement for purposes of investigation or prosecution or it is seized by law enforcement, the operator, and any other victim, shall be entitled to seek restitution against the person who delivered the item to the scrap vehicle operator in any criminal case that may arise from the investigation, including any out-of-pocket expenses for storage and lost profit.

Subd. 13. **Video security cameras.** (a) Each scrap vehicle operator shall install and maintain at each location video surveillance cameras, still digital cameras, or similar devices positioned to record or photograph a frontal view showing a clear and readily identifiable image of the face of each seller of a scrap vehicle who enters the location. The scrap vehicle operator shall also photograph the seller's vehicle, including license plate, either by video camera or still digital camera, so that an accurate and complete description of it may be obtained from the recordings made by the cameras. Photographs and recordings must be clearly and accurately associated with their respective records.

(b) The video camera or still digital camera must be kept in operating condition and must be shown upon request to a properly identified law enforcement officer for inspection. The camera must record and display the accurate date and time. The video camera must be turned on at all times when the location is open for business and at any other time when a scrap vehicle is purchased.

(c) Recordings and images required by paragraph (a) shall be retained by the scrap vehicle operator for a minimum period of 60 days and shall at all reasonable times be open to the inspection of any properly identified law enforcement officer.

(d) If the scrap vehicle operator does not purchase some or any scrap vehicles at a specific business location, the operator need not comply with this subdivision with respect to those purchases.

(e) This subdivision does not apply to the purchase of a scrap vehicle by a used vehicle parts dealer licensed under section 168.27, for dismantling the vehicle for its parts.

Subd. 14. **Preemption of local ordinances.** This section preempts and supersedes any local ordinance or rule concerning the same subject matter.

History: *2013 c 126 s 5; 2014 c 190 s 1,2; 2015 c 65 art 3 s 4,5*

168A.151 SALVAGE TITLE; JUNKING CERTIFICATE.

Subdivision 1. **Salvage and prior salvage brands.** (a) When an insurer, licensed to conduct business in Minnesota, acquires ownership of a vehicle, excluding a recovered intact vehicle, through payment of damages, the insurer must:

(1) for a late-model or high-value vehicle, immediately apply for a certificate of title that bears a "salvage" brand or stamp the existing certificate of title with "salvage" in a manner prescribed by the department; or

(2) for a vehicle that is not subject to clause (1), immediately apply for a certificate of title that bears a "prior salvage" brand or stamp the existing certificate of title with "prior salvage" in a manner prescribed by the department.

(b) Notwithstanding any other law to the contrary, supporting documents used to transfer ownership of a vehicle to an insurer after payment of damages do not require a notarized signature and may be signed electronically. For purposes of this paragraph, supporting documents include but are not limited to power of attorney forms. The insurer shall indemnify and hold harmless the department for any claims resulting from issuing a certificate of title, salvage title, or junking certificate pursuant to this section.

(c) Within ten days of obtaining the title of a vehicle through payment of damages, an insurer must notify the department in a manner prescribed by the department.

(d) Except as provided in section 168A.11, subdivision 1, a person must immediately apply for a certificate of title that bears a "salvage" brand if the person acquires a damaged late-model or high-value vehicle that:

(1) was acquired by an insurer through payment of damages;

(2) will incur a cost of repairs that exceeds the value of the damaged vehicle;

(3) has an out-of-state salvage certificate of title as proof of ownership; or

(4) bears the brand "damaged," "repairable," "salvage," or any similar term on the certificate of title.

(e) Except as provided in section 168A.11, subdivision 1, a person must immediately apply for a certificate of title that bears a "prior salvage" brand if the person acquires a damaged vehicle and:

(1) a "salvage" brand is not required under paragraph (d); and

(2) the vehicle:

(i) bears the brand "damaged," "repairable," "salvage," "rebuilt," "reconditioned," or any similar term on the certificate of title; or

(ii) had a salvage certificate of title or brand issued at any time in the vehicle's history by any other jurisdiction.

(f) A self-insured owner of a vehicle that sustains damage by collision or other occurrence which exceeds 80 percent of its actual cash value must:

(1) for a late-model or high-value vehicle, immediately apply for a certificate of title that bears a "salvage" brand; or

(2) for a vehicle that is not subject to clause (1), immediately apply for a certificate of title that bears a "prior salvage" brand.

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

History: *1988 c 496 s 19; 1989 c 342 s 14; 1993 c 93 s 9-11; 2005 c 94 s 2; 2008 c 287 art 1 s 30; 2012 c 163 s 4; 2012 c 267 s 4; 2022 c 57 s 6; 2023 c 68 art 5 s 20*

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

Subdivision 1. **Certificate of inspection.** (a) A certificate of title that bears a "salvage" brand or stamp authorizes the holder to possess, transport, and transfer ownership in a vehicle. A certificate of title that bears a "salvage" brand or stamp does not authorize the holder to register a vehicle.

(b) For a late-model or high-value vehicle with a certificate of title that bears a "salvage" brand or stamp, the commissioner must not issue a certificate of title that bears a "prior salvage" brand unless the application for title is accompanied by a certification of inspection in the form and content specified by the department.

Subd. 1a. **Duties of salvage vehicle purchaser.** No salvage vehicle purchaser shall possess or retain a salvage vehicle which does not have a certificate of title that bears a "salvage" or "prior salvage" brand or stamp. The salvage vehicle purchaser must display the 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 driver and vehicle services operating account under 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; 2022 c 57 s 7,8; 2023 c 68 art 7 s 9*

168A.153 REPORT OF VEHICLE RECEIPT.

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

Subd. 2. [Repealed, 2013 c 126 s 18]

Subd. 2a. **Purchase of abandoned vehicles from a dealer.** (a) Subdivision 1 does not apply to purchase of a scrap vehicle as an abandoned vehicle from a license holder under section 168.27 who is in possession of the vehicle for service or repair.

(b) A scrap vehicle dealer acquiring a scrap vehicle under this subdivision shall obtain the selling dealer's business name and address, a copy of the repair order, and, if available, a bill of sale or other evidence of open or legitimate purchase. The scrap vehicle dealer must notify the department within ten days. The notification must be made electronically as prescribed by the registrar, must include the vehicle's license plate number and identification number, and must include the seller's name.

(c) The records and information obtained or submitted under paragraph (b) shall be maintained in a manner consistent with the requirements of section 168A.11, subdivision 3.

Subd. 3. **Notification on vehicle to be dismantled or destroyed; service fee.** The notification under subdivision 1 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.

History: *1988 c 496 s 21; 1994 c 536 s 18; 2008 c 287 art 1 s 31; 2013 c 126 s 6,7,17; 2013 c 127 s 22-25*

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]

Subd. 4. **Notice of perfection by dealer.** When a security interest in a vehicle sold by a dealer licensed under section 168.27 is perfected under subdivision 2, the dealer may provide a statement of perfection to the secured party on a form provided by the department. The statement must certify compliance with subdivision 2 and contain the date of delivery to the department. The information provided in the dealer's statement is considered prima facie evidence of the facts contained in it.

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; 1Sp2019 c 3 art 3 s 30*

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. [Repealed, 2014 c 255 s 21]

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, subdivision 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 168.002, subdivision 24, 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: (1) vehicle owners who are individuals; or (2) dealers licensed under section 168.27, subdivision 2 or 3, who are purchasing a vehicle from an individual owner for resale.

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; 2012 c 174 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; and

(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; 2023 c 25 s 77*

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, $8.25, of which $4.15 must be paid into the driver and vehicle services operating account under section 299A.705, subdivision 1, and a surcharge of $2.25 must be added to the fee and credited to the driver and vehicle services technology account under section 299A.705, subdivision 3;

(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, $2, except that no fee is due for a security interest filed by a public authority under section 168A.05, subdivision 8;

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

(4) for issuing a duplicate certificate of title, $7.25, of which $3.25 must be paid into the driver and vehicle services operating account under section 299A.705, subdivision 1, and a surcharge of $2.25 must be added to the fee and credited to the driver and vehicle services technology account under section 299A.705, subdivision 3.

(b) In addition to the fee required under paragraph (a), clause (1), 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 fees prescribed by sections 168.013, subdivision 21, and 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 section 168.54 with respect to any prior transfer of ownership or registration of the vehicle have been paid.

Subd. 4. **Exemption; vehicles for certain veterans.** The department must not impose any fee under subdivision 1 if the certificate of title is being issued to a person and for a vehicle that meets the requirements under section 168.012, subdivision 13.

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; 2007 c 143 art 3 s 2; 2008 c 363 art 11 s 7; 1Sp2011 c 3 art 3 s 7; 2013 c 117 art 3 s 6; 1Sp2019 c 3 art 2 s 29; 2023 c 68 art 3 s 7; art 7 s 10*

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 driver and vehicle services operating account under 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; 2023 c 68 art 7 s 11*

168A.40 Subdivision 1. [Repealed, 2000 c 488 art 6 s 13]

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

Subd. 3. [Repealed, 2013 c 142 art 5 s 15]

Subd. 4. [Repealed, 2013 c 142 art 5 s 15]