

R873. Tax Commission, Motor Vehicle.

R873-22M. Motor Vehicle.

R873-22M-2. Documentation Required and Procedures to Follow to Register or Title Certain Vehicles Pursuant to Utah Code Ann. Sections 41-1a-104 and 41-1a-108.

(1) "Nontitle state" means a state that does not issue certificates of title for vehicles of a particular type or year.

~~[(1)]~~(2) To title or register a vehicle previously registered in a nontitle state, an applicant must submit ~~[both of the following]~~:

(a) the ~~[last]~~ registration certificate; ~~[and]~~ or

(b) ~~[a lien search from the recording jurisdiction or]~~ form TC- 569A, Ownership Statement~~[, in lieu of the lien search].~~

~~[(2)]~~(3) To title or register a repossessed vehicle, an applicant must submit ~~[both of the following]~~:

(a)(i) the ~~[outstanding]~~ certificate of title, with the lien recorded in favor of the reposessor; or

(ii) if registered in a nontitle state, the registration certificate; and

(b) form TC-569B, Repossession Statement, ~~[signed]~~ completed by the lien holder recorded on the certificate of title or a similar statement or form.

~~[(3)]~~(4) To title or register a vehicle previously owned by the U.S. government, an applicant must submit U.S. government Standard Form No. 97.

~~[(4)]~~(5) To title or register a vehicle foreclosed by advertisement, an applicant must submit ~~[each of the following]~~:

(a) a certificate of sale containing: ~~[bearing the signature of the person who conducted the sale. The certificate must contain the following information:]~~

(i) the date of sale;

(ii) the name of the purchaser; ~~[person to whom the vehicle was sold;]~~

(iii) a complete description of the vehicle;

(iv) the amount due on the contract;

(v) the date that the amount due became delinquent; ~~[and]~~

(vi) the amount received from the sale of the vehicle; and

(vii) the signature of the person who conducted the sale.

(b) a copy of the notice sent to the owner and lien holder of record; and

(c) proof that notice was published in accordance with Sections 38-2-4 or 38-8-3, as applicable.

~~[(5)]~~(6) To title or register a vehicle transferred by divorce decree an applicant must submit ~~[each of the following]~~:

(a) a certified copy of the divorce decree; and

(b)(i) the ~~[outstanding]~~ certificate of title; ~~[and]~~
~~[(c)]~~(ii) if registered in a nontitle state, the ~~[last]~~ registration certificate; or ~~[for a nontitle state.]~~
(iii) form TC- 569A, Ownership Statement.
~~[(6)]~~(7) To title or register a vehicle when the current owner is declared incompetent, an applicant must submit ~~[each of the following]:~~
(a) a certified copy of the court order appointing the guardian; and
~~[(a)]~~(b)(i) the ~~[outstanding]~~ certificate of title, endorsed for transfer by the guardian; or
~~[(b)]~~(ii) if registered in a nontitle state, the ~~[last]~~ registration certificate. ~~[for a nontitle state; and~~
~~(c) a certified copy of the court order appointing the guardian.]~~
~~[(7)]~~(8) To title or register a vehicle purchased at impound auction, an applicant must submit a certificate of sale that contains the following information:
(a) a complete description of the vehicle;
(b) the name of the purchaser; and
(c) the signature of the state, city, or county official who conducted the sale.
~~[(8)]~~(9) To title or register a vehicle transferred pursuant to a power of attorney, an applicant must submit the power of attorney ~~[to the Tax Commission].~~
~~[(9)]~~(10)(a) To title or register a vehicle transferred from a deceased owner when form TC-569C, Survivorship Affidavit, does not apply, the applicant must submit: ~~[the outstanding certificate of title; or the last registration certificate for a nontitle state. In addition, the applicant must submit one of the following:]~~
(i)(A) the certificate of title; or
(B) if registered in a nontitle state, the registration certificate; and
~~[(a)]~~(ii)(A) a certified copy of the final decree of distribution;
~~[(b)]~~(B) an order from the court confirming sale; or
~~[(c)]~~(i)(C) an endorsement on the title by the administrator, executor, or personal representative with a certified copy of letters of administration, letters testamentary, or letters appointing a personal representative attached.
~~[(ii)]~~(b) When the title is issued in joint ownership where the owners names are connected with "and" or "/", the survivor may transfer ownership by endorsement only and by furnishing proof of death of the other joint owner.
~~[(10)]~~(a)(11)(a) When satisfactory documentary evidence of ownership is lacking and the applicant has exhausted all normal means of obtaining evidence of ownership, the ~~[Tax Commission]~~ commission may issue a title or a dismantle permit upon receipt of:
(i) a court order; or
(ii) subject to Subsections ~~[(10)(b)(iii)]~~ (11)(b)(ii) and (iii), form TC-569A, Ownership Statement.
(b)(i) The form required under Subsection ~~[(10)(a)(ii)]~~ (11)(a)(ii) must contain ~~[each of]~~ the following:
(A) a complete recital of facts explaining the absence of a negotiable title or current registration for nontitle states;
(B) an explanation of how the vehicle was obtained and from whom;
(C) a statement indicating any outstanding liens or encumbrances on the vehicle;

(D) a statement indicating where the vehicle was last titled or registered;
(E) a description of the vehicle;
(F) any other items pertinent to the acquisition or possession of the vehicle; and
(G) an indemnification agreement holding the ~~[Tax Commission]~~ commission and its employees harmless from any and all liability resulting from the issuance of the title or dismantle permit.

(ii) If the fair market value of the vehicle as determined by the commission is ~~[has a value of \$1,000]~~ \$3,000 or less at the time of application, and the vehicle is less than six model years old, or the vehicle is a motorcycle, the vehicle may be subject to a physical examination by an employee appointed by the ~~[Tax Commission]~~ commission prior to issuance of a title or dismantle permit.

(iii)(A) If the fair market value of the vehicle as determined by the commission is ~~[has a value]~~ in excess of ~~[\$1,000]~~ \$3,000, the ~~[Tax Commission]~~ commission shall ~~[may]~~ require a surety bond ~~[in addition to the form described in Subsection (10)(a)(ii)].~~

(B) The amount of the surety bond may not exceed twice the fair market value of the vehicle as determined by the ~~[Tax Commission]~~ commission.

~~[(11)]~~ (12) To title or register a specially constructed ~~[or rebuilt]~~ vehicle, an applicant ~~[shall furnish]~~ shall submit:

(a)(i) form TC-569D, Statement of Facts, [explaining] documenting the acquisition of essential parts and the date construction was completed; and [-The form must be supported by bills of sale or invoices for the parts.]

~~[(a)]~~ (ii) ~~[An]~~ an application for an assigned vehicle identification number ~~[must be completed].~~

(b) The assigned vehicle identification number shall be affixed to the specially constructed vehicle and inspected by a peace officer or an authorized agent of the ~~[Tax Commission]~~ commission.

~~[(b)]~~ (c) The vehicle make shall be designated as "SPCN" (specially constructed), and the year model shall be determined according to the date the construction was completed.

~~[(c)]~~ (d) If satisfactory documentary evidence of ownership is lacking, the commission may title or register a specially constructed vehicle as provided in ~~[procedure outlined in]~~ Subsection (11) ~~[(10) must be followed].~~

~~[(d)]~~ (13)(a) To title or register a reconstructed ~~[In the case of a dune buggy or similar type]~~ vehicle where the complete running gear and chassis of another vehicle is used, an applicant shall submit:

(i) form TC-569D, Statement of Facts, documenting the acquisition of essential parts and the date construction was completed;

(ii) the identification number of the vehicle used as the primary base of the [rebuilt] reconstructed vehicle which shall [be used for identification and must] correspond to the identification number on the surrendered certificate of title; and [-]

(iii) an application for an assigned vehicle identification number.

(b) The assigned vehicle identification number shall be affixed to the reconstructed vehicle and inspected by a peace officer or an authorized agent of the commission.

~~[(e)]~~ (c)(i) Subject to Subsection (13)(c)(ii), the reconstructed ~~[The rebuilt]~~ vehicle shall retain the manufacturer's name as it appeared on the surrendered title.

127 (ii) The term "reconstructed" ~~[However, the word "rebuilt"]~~ shall be placed on the
128 application and on the face of the title issued by the ~~[Tax Commission]~~ commission.

129 (d) The type of body and vehicle model may be changed to more accurately describe the
130 vehicle. If a new body is used, the year model shall be determined by the date the
131 ~~[rebuilding]~~ reconstruction is complete. If only the body style has been altered or changed, the
132 vehicle shall retain the year model stated on the surrendered title.

133 (e) If satisfactory documentary evidence of ownership is lacking, the commission may title
134 or register a reconstructed vehicle as provided in Subsection (11).

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138 **If approved, this amendment will be effective immediately.**