

**IDAPA 39  
TITLE 02  
CHAPTER 05**

**39.02.05 – Rules Governing Issuance of Certificates of Title**

**00. LEGAL AUTHORITY.**

Under the authority of Sections 49-201, 49-507 and 49-525, Idaho Code, the Department adopts the following rule.

**01. TITLE AND SCOPE.**

**01. Title.** These rules shall be cited as IDAPA 39.02.05 “Rules Governing Issuance of Title Certificates.”

**02. Scope.** These rules identify requirements for the issuance of certificates of title, pursuant to Title 49, Chapter 5, Idaho Code.

**02. WRITTEN INTERPRETATIONS.**

This agency does not rely on written interpretations for these rules.

**03. ADMINISTRATIVE APPEALS.**

All contested cases shall be governed by the provisions of IDAPA 04.11.01. “Idaho Rules of Administrative Procedure of the Attorney General.”

**04. INCORPORATION BY REFERENCE.**

There are no documents incorporated by reference in this chapter.

**05. OFFICE – OFFICE HOURS – MAILING AND STREET ADDRESS – PHONENUMBERS.**

**01. Street and Mailing Address.** The Idaho Transportation Department maintains a central office for title issuance in Boise at 3311 W. State Street with a mailing address of P.O. Box 7129, Boise ID, 83707-1129.

**02. Office Hours.** Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays.

**03. Telephone and FAX Numbers.** The central office may be contacted during office hours by phone at 208-334-8663 or by fax at 208-334-8658.

**06. PUBLIC RECORDS ACT COMPLIANCE.**

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Title 74, Chapter 1, Idaho Code.

**07. -- 009. (RESERVED)**

**10. DEFINITIONS.**

**01. Appropriate Governmental Entity.** The agency or organization employing the authorized officers who take an abandoned vehicle into custody or direct a vehicle to be stored or towed.

**02. Assembled Vehicle.** A vehicle which has been constructed using parts from two (2) or more vehicles and has the same appearance as a vehicle that was manufactured under a specific make and model by a manufacturer. Changes may include frame and/or cab changes. See Section 305 for title application requirements.

**03. Body/Center Passenger Area.** The center structure, either of a unibody or frame-type passenger vehicle, consisting of a unit of sheet metal and structural components that extends from the firewall to the back of the rear seat or to the factory seam separating the rear section or the centerline of the rear wheels, i.e. cowl panel, dash panel, floor pans, center side body panels, side rails, rocker panels, and other such component parts that may be pertinent to this section.

- 04. Brand.** A description on a certificate of title, as determined by the department or the equivalent agency of another jurisdiction, which indicates and advises future owners and interested parties that:
- a. The vehicle has or has had a relevant physical condition, modification, construction, alteration or history of use; or
  - b. Past or present ownership of the vehicle could not be clearly established to the satisfaction of the department or the equivalent agency of another jurisdiction.
- 05. Cab.** The passenger compartment of a common truck or pickup truck. It is a unit of sheet metal and structural components including the top/roof and the cowl which may or may not include glass, instrumentation, steering column and seat.
- 06. Frame.** The heavy metal structure that supports the auto body and other external component parts on body over-frame constructed vehicles only.
- 07. Gray Market Vehicle.** A vehicle manufactured outside of the U.S. for use in other countries that did not meet U.S. Federal Motor Vehicle Safety Standards or Environmental Protection Agency requirements at the time of manufacture.
- 08. Mileage.** Actual distance that a vehicle has traveled.
- 09. Replica Street Rod.** A vehicle made to replicate any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle and other suspension components. The body will resemble the same as the manufacturer's original issue. See Section 305 for title application requirements.
- 10. Replica Vehicle.** A vehicle made to replicate any vehicle previously manufactured, using metal, fiberglass, or other composite matters. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. At a minimum, replica vehicles will meet the same federal motor vehicle safety and emission standards in effect for the year and type of vehicle being replicated, pursuant to Section 49-123(2)(n), Idaho Code. See Section 305 for title application requirements.
- 11. Street Rod Vehicle.** Any pre-1949 manufactured vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be the same as the manufacturer's original issue. See Section 305 for title application requirements.
- 12. Transferee.** Any person to whom the ownership of a motor vehicle is transferred, or any person who, as agent, accepts transfer of ownership of a motor vehicle for another, by purchase, gift or any means other than creation of a security interest.
- 13. Transferor.** Any person who transfers vehicle ownership or any person who, as agent, transfers the ownership of another's motor vehicle by sale, gift or any means other than creation of a security interest.

**011-- 099. (RESERVED)**

**100. GENERAL.**

The Department will issue a Certificate of Title on any vehicle if the applicant can show proper documentation of ownership, there are no undisclosed security interests in the vehicle, and other requirements for titling have been satisfied. Unless otherwise specified in statute or administrative rule, such proper documentation of ownership will be limited to:

**01. Certificate of Title.** A valid Idaho Certificate of Title or a valid Certificate of Ownership issued by another state, province or country according to the applicable laws of another state, province or country, which has been duly assigned or transferred to the applicant if issued in another's name.

**02. MCO/MSO.** A properly executed Manufacturer's Certificate of Origin (MCO) or Manufacturer's Statement of Origin (MSO) in the case of a new vehicle being titled for the first time.

**03. Certificate of Registration.** A Certificate of Registration from a non-titling state, province or country, together with a bill of sale from the registrant if other than the applicant.

**04. Transfer by Operation of Law.** In the case of a transfer by operation of law, a certified copy of a valid court order, decree, or instrument upon which the claim of possession and ownership is founded, passing title to the applicant as a matter of law (for example: a property settlement, divorce decree, or execution sale's certificate of sale or bill of sale, together with an affidavit by the person or agent of the person to whom possession of the vehicle so passed, setting forth facts entitling him to possession and ownership.

**05. Salvage Vehicles.** For a salvage vehicle, a salvage certificate of title or other salvage ownership document issued by another state, province, or country according to the applicable laws of that state, province, or country, duly assigned or transferred to the applicant if issued in another's name.

**06. Specially Constructed Vehicles.**

**a.** For a specially constructed vehicle as defined by Section 49-123(p)(i) or (iii), Idaho Code, the original ownership document for the vehicle from which the body or cab being used has been taken unless the vehicle is from a state that requires the ownership document to remain with the frame in which case a copy of the ownership document verified to be a true and correct copy of the original, together with a bill of sale from the owner to whom the ownership document was issued if different than the applicant, and accompanied by a bill of sale, invoice, or other proof of acquisition for any of the following major components used in the vehicle's construction:

- i. Frame or rails;
- ii. Engine or short block;
- iii. Transmission and/or transfer case;
- iv. Front and rear clips; or
- v. Truck bed or box

**b.** Each bill of sale for major component parts is to include the following:

- i. Name of purchaser;
- ii. Vehicle Identification Number (VIN) or engine number for a motorcycle, if applicable;
- iii. Description of major component part (by make, body type, year of manufacture, if applicable);
- iv. Purchase price; and
- v. Signature of seller.

**c.** For a specially constructed vehicle as defined by Section 49-123(p)(ii), Idaho Code, bills of sale, receipts or invoices for the materials used in the construction.

**d.** For a specially constructed vehicle as defined by Section 49-123(p)(iv), Idaho Code, a properly executed manufacturer's certificate of origin (MCO) or manufacturer's statement of origin (MSO) for the custom kit, or if no MCO was issued, a factory invoice or bill of sale from the selling dealer, together with a statement certifying no MCO was issued for the kit.

**101.-- 199. (RESERVED)**

**200. LIEN FILING**

**01. Date of Lien Filing.** All title applications submitted to the Department or its agent for filing will include the date of filing.

a. If a lien is listed on a title application, the date the application is received by the department or its agent will be the date of the filing of the lien.

**02. Out-of-State Transfer.** If a lien was previously recorded on an out-of-state title, and the title is being surrendered to Idaho for issuance of a new certificate of title and the lien is still in effect, the Department will honor the previously recorded date shown on the out-of-state title, provided that at least one of the previous owners' names will remain on the new Idaho title. If there is no recorded date on the title, the following will be captured as the recorded date if displayed on the title with priority according to the order listed:

a. Application date

b. Issue date

c. Print date

d. If none of the dates listed above are displayed on the title, the date the title application is filed with the department or its agent will be the recorded date.

**03. Name Change Only.** If a name change is being requested on a title containing a recorded lien, and the lien is not being released, the original recorded date will be retained for the lien filing, provided that the new title will retain the name of the same lienholder and at least one (1) of the previous owners.

**04. Taxable Transfer of Ownership.** In the case of a taxable transfer of ownership, where the lien was not released, and the new title will have the same lienholder, a new recorded date will be assigned to the lien, unless the lienholder has specified that the new owners have assumed the lien.

**05. Lien Assumptions.** If a lienholder specifies that a contract has been assumed by a new owner, and the new owner has assumed the terms of the previous lien, the original date will be retained on the new certificate of title.

## **201. ODOMETERS.**

### **01. Procedures.**

a. **Department Requirement.** The Department will enter the odometer reading and designation as provided by a dealer or private seller or transferor on the Certificate of Title when printed for any vehicle that is not exempt from such requirements.

b. **Used Vehicle Transferor/Seller Requirements.** When a used vehicle is transferred, the transferor will record the odometer reading on the title certificate using indelible ink. If the vehicle has not been titled or if the title does not contain a space for the information required, the written disclosure will be executed as a separate statement.

c. **New Vehicle Transferor/Seller Requirements.** When a new vehicle is retailed, the transferor will provide a written disclosure on the Manufacturer's Certificate of Origin or on a separate document.

d. **Use of Power of Attorney.** When the transferor's title is physically held by a lienholder, or if the transferor to whom the title was issued has lost his title and the transferee obtains a duplicate title on behalf of the transferor, the transferor may give a power of attorney to his transferee for the purposes of mileage disclosure.

e. **Reassignments.** When all available reassignments on a title certificate have been used, subsequent reassignments will be made on a separate reassignment document printed by the department or by another state's motor vehicle department.

### **02. Exemptions.**

a. **Transferor/Seller Exemptions.** A transferor is not required to disclose the vehicle's odometer reading for any of the following:

- i. A vehicle having a gross vehicle weight rating over sixteen thousand (16,000) pounds;
  - ii. A vehicle which is not self-propelled;
  - iii. A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications;
  - iv. A vehicle which is ten (10) years old or older. To calculate the vehicle's age, simply subtract the model year from the calendar year.
- b. **Manufacturers' Exemptions.** A manufacturer of a new vehicle may transfer, for purposes of resale, to a franchised dealer without disclosure of the vehicle's odometer.

## 202. VEHICLE IDENTIFICATION NUMBER (VIN) INSPECTIONS.

01. **Authorized Inspectors.** The following individuals, agents or agencies are authorized to complete Vehicle Identification Number (VIN) inspections:

- a. **Peace Officers and Special Agencies Inspections.** As part of their regular assigned duties, any city, county, or state peace officer, or specified agent of the Department, may complete a VIN inspection.
- b. **Vehicle Dealer Inspections.** Licensed Idaho vehicle dealers may complete VIN inspections.
- c. **Financial Institution Inspections.** An employee of any bank that is authorized to do business in Idaho or an employee of any other financial institution registered with the Department of Finance, may complete VIN inspections as a part of normal business activity.
- d. **Special Agent Inspections.** Other special designated agents of the Department may complete VIN inspections, as stipulated in a formal agreement between the Department and the special agent, i.e. vehicle rental companies allocating portions of their fleets to Idaho.

02. **VIN Inspections Required.** A VIN inspection is required whenever the current certificate of title was not issued for the vehicle by this state or whenever the Department is dissatisfied with the authenticity or accuracy of the vehicle identification number.

## 203. – 299. (RESERVED)

### 300. TITLE BRANDING.

#### 01. Brand Disclosure.

- a. Upon sale by a dealer of any salvage or total loss vehicle or branded vehicle or branded certificate of title, disclosure of the vehicle's salvage or branded status, will be conspicuously disclosed to the buyer and a record must be maintained by the dealer. Disclosure may be made on a form as provided by the department for a report of sale. The buyer must sign that they have received disclosure of the vehicle brand. Proof of disclosure must be submitted to the department.
- b. Upon sale by a private party of any salvage or total loss vehicle or branded vehicle or vehicle with a branded certificate of title, disclosure of the vehicle's salvage or branded status, will be conspicuously disclosed to the buyer.

02. **Branding Time Frame.** Each branded vehicle and branded certificate of title will retain that brand throughout the existence of the vehicle regardless of its age or value unless the brand has an expiration date.

#### 03. Brands Removed.

- a. If any salvage vehicle leaves the state of Idaho with or without an Idaho salvage certificate of title and such vehicle returns to Idaho, it will once again be subject to the requirements under Idaho Code and this rule.

- b. If a vehicle with a branded Idaho title leaves Idaho and then returns with a title or other ownership document issued by another jurisdiction that has either no brand or a different brand for the same incident that caused the brand on the Idaho title:
  - i. If the brand on the Idaho title originated in Idaho, the Idaho brand will be reinstated. This will occur even if the National Motor Vehicle Title Information System (NMVTIS) returns a different brand for the same incident.
  - ii. If the brand on the Idaho title originated in another state, the Idaho title will be issued with any brand retrieved from NMVTIS if for the same incident that caused the brand on the original Idaho title. If no brand is retrieved from NMVTIS for this incident, the brand on the previous Idaho title will be reinstated.

**301. BONDED TITLE.**

**01. Conditions and Requirements.** Application may be made for a “bonded title” when the applicant has actual possession of the vehicle but is unable to provide proper documentation of ownership.

- a. **Proper Documentation Cannot Be Obtained.** The applicant must satisfy the Department that proper documentation to obtain a regular title cannot be obtained. However, the applicant must provide sufficient documentation to satisfy the Department that it is more probable than not that the applicant is the owner of the vehicle.
- b. **Vehicle Physical Inspection.** The applicant must produce the vehicle for a physical inspection by a representative designated by the Department.
- c. **Affidavit of Explanation.** The applicant must provide an affidavit explaining the reasons for the absence of a valid Certificate of Title or Certificate of Ownership or other documentation of ownership identified in Chapter 100 of this rule. and how the vehicle came into the possession of the applicant. A listing of any liens (loans) or encumbrances against the vehicle; the name of the state, province or country where the vehicle was last titled, or last registered if from a non-titling state, province, or country; and the name under which the vehicle was last titled, or last registered if from a non-titling state, province or country is also required.
- d. **Bond.** The applicant will provide the Department with a bond in the amount of one (1) and one-half (1/2) times the value of the vehicle or a cash deposit of like amount, as provided in Section 49-523(b), Idaho Code. A cash bond will be in the form of a cashier’s check, money order or certified check made payable to the Idaho Transportation Department. The form of the bond will conform to the form ITD 3909, Vehicle Ownership Bond, which can be obtained by calling 208-334-8663 during regular business hours.
- e. **Vehicle Appraisal.** The applicant will provide an appraisal of the vehicle either by a licensed Idaho automobile dealer on the dealer’s letterhead or other form provided by the Department with dealer’s number, or by a Motor Vehicle Investigator. The appraisal will reflect the current retail value of the vehicle. This appraisal will be considered by the Department to determine the value of the vehicle.
- f. **Application for Title.** The applicant will apply for title within ninety (90) days of the bond’s issuance. Should the application for title occur more than ninety (90) days from the issue date of the bond or any subsequent rider, the applicant will obtain a rider to provide bond coverage for three (3) years.
- g. **Bonded Title Brand.** Upon satisfying the department’s requirements for a bonded title, the applicant will be issued a title bearing the brand “Bonded Title” and the brand’s expiration date, which will be three (3) years from the following:
  - i. Date of issuance of the bond unless a bond rider was issued; or
  - ii. If one or more bond riders were issued, the date of issuance of the most recent bond rider; or
  - iii. Date of receipt of a cash deposit.

**02. BOND SURETY.** The bond must be issued by a corporate surety, qualified and licensed to do

business in Idaho. (12-26-90)

- 03. CLAIMS AGAINST THE BOND.** Should any expense, loss or damage occur, for any reason covered by the bond, persons or entities suffering such loss will make claim directly against the principal (applicant) and the surety. If the applicant has made a cash deposit, any claim will be made through the Department's Motor Vehicle Administrator.
- 04. EXPIRATION OF BONDING REQUIREMENT.** Upon expiration of the brand, the bond or cash deposit will be returned without interest unless the Department has been notified in writing of a pending claim or action to recover on the bond or deposit. If there has been no claim, the applicant may surrender the bonded title and apply for a Certificate of Title free of the bonded title brand. A Certificate of Title free of the bonded title brand will be issued upon certification of the application and payment of any applicable fees per Idaho Code Title 49, Chapters 2 and 5, and any applicable sales or use tax, per Title 63, Chapter 36, Idaho Code.
- 05. RETURN OF BOND PRIOR TO THREE YEAR PERIOD.** The bond or cash deposit will be returned prior to the [expiration of the brand](#) if the vehicle is no longer registered in this state, and the Department has not been notified of any claim or action to recover on the bond.
- 06. SALES AND USE TAX.** Any sales or use tax will be paid to the Department or to the county assessor prior to issuance of a bonded title.

### **302. SPECIALLY CONSTRUCTED VEHICLES.**

- 01. Specially Constructed Vehicle Examples.** Some examples of specially constructed vehicles are: Custom built vehicles, such as, kit conversions, homemade camp trailers, other homemade trailers that exceed two thousand (2,000) pounds unladen weight, motorcycles, vessels, snowmobiles, and slide-in truck-mounted campers.
- 02. Engine Changes.** A vehicle that has an engine of a different make, model or year from the body, frame and running gear is not considered a specially constructed vehicle. These vehicles retain the original title and identification designation.
- 03. Title Application Requirements.**
  - a.** The applicant must provide proof of ownership for all significant parts that are replaced, such as frame, body, and other parts that carry vehicle identification numbers. The body must have a properly released title from the former owner. The frame only may be transferred with a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are replaced must be verified by traceable invoices identifying the part or parts [if purchased](#) from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing seller's name and address is required. A Manufacturer's Certificate of Origin (MCO) must accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer, [together with a statement certifying no MCO was issued for the kit](#), is acceptable.
  - b.** The model year will be the year that the specially constructed vehicle was first titled as a specially constructed vehicle
  - c.** The make as shown on the certificate of title of a specially constructed vehicle will be identified as SPCN and the certificate of title will be branded "Specially Constructed."
  - d.** When the vehicle is in operating condition, an inspection by a motor vehicle investigator is required. A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying affidavit. In addition, if a vehicle identification number is assigned, the fee required by Section 49- 202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner shall complete a self-certification on a form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the Federal Motor Vehicle Safety Standards in effect for the model year

### 303. REBUILT SALVAGE VEHICLES.

**01. Rebuilt Salvage Vehicle.** A rebuilt salvage vehicle, as defined by Section 49-123 (2)(m), Idaho Code, includes every “Salvage or Total Loss Vehicle” that has been rebuilt, in compliance with applicable federal motor vehicle safety standards and the requirements of Chapter 9, Title 49, Idaho Code, as regulated by Sections 49-524 and 49-525, Idaho Code. (5-8-09)

**02. Salvage Vehicles from Other Jurisdictions.** Every vehicle that is coming into Idaho from another jurisdiction with a Salvage Certificate or other equivalent document showing evidence of a total loss payoff such as a bill of sale from an insurance company, or other documentation indicating that the vehicle may have been a salvage or total loss vehicle shall be considered salvage. These vehicles may not be operated on Idaho highways until rebuilt in compliance with Chapter 9, Title 49, Idaho Code and all federal motor vehicle safety and emission standards in effect for the model year and type of vehicle.

They will be issued an Idaho Salvage Certificate unless the other jurisdiction has issued a salvage certificate or other equivalent salvage ownership document. If any salvage vehicle is received by a “salvage pool” (as described in Section 49-120(4), Idaho Code), an Idaho salvage certificate of title must be issued, prior to sale unless the vehicle has a salvage certificate or other equivalent salvage ownership document issued by another jurisdiction. Any vehicle which has been declared junk, pursuant to Sections 49-516 and 49-522, Idaho Code, or is coming from another jurisdiction with a similar endorsement, or is designated by the owner or the insurance company as parts only, destroyed, or dismantled, may not be rebuilt for on-road use.

#### **03. Title Application Requirements for Vehicles Defined as Salvage and Rebuilt Salvage Vehicles.**

- a.** The applicant must provide a written statement which includes the vehicle information, vehicle identification numbers, salvage date, and the work done personally by the owner or supervised by the owner to restore the vehicle to the operating condition that existed prior to the event causing the vehicle to be salvaged.
- b.** In the event that the applicant did not personally repair the vehicle or supervise its repair, but another party performed the repairs, the applicant shall certify to the best of his knowledge the name of the party that did repair the vehicle or personally supervised its repair. This certification shall be made on a salvage vehicle statement.
- c.** In the event that repairs were not necessary to bring the vehicle to operating condition pursuant to Chapter 9, Title 49, Idaho Code, the applicant will certify this on a salvage vehicle statement.
- d.** The applicant must sign an indemnifying statement agreeing to defend the title in all legal disputes arising out of his possession of the title to the vehicle, and attesting to the fact that all information contained in the statement and its attachments are true and correct.
- e.** The new Idaho title issued will be branded “REBUILT SALVAGE.” Such notation will remain on the title and on all subsequent transfers of the title.

**04. Salvage Vehicle Damaged Out-of-State.** If a vehicle that is titled in Idaho is damaged in another state or jurisdiction to the extent that the vehicle becomes a “salvage vehicle” as defined by Section 49-123(2)(o), Idaho Code, and the vehicle is not going to be returned to Idaho, the owner or insurer must, upon determining the vehicle to be salvage, notify the purchaser and the department in writing of the salvage status. If this vehicle returns to Idaho, the title will be branded “Rebuilt Salvage” or carry another jurisdiction’s comparable brand forward unless the vehicle has not yet been repaired and has not had a salvage certificate or other salvage ownership document issued by another jurisdiction in which case the owner must obtain an Idaho salvage certificate of title.

### 304. GLIDER KITS.

#### **01. Title Application Requirements.**

- a.** A Manufacturer’s Certificate of Origin (MCO) for the glider kit must be submitted with the application for title.



b. If the applicant dismantles a vehicle presently titled to the applicant and uses the significant parts with the glider kit, a statement of fact will be prepared, identifying the significant parts by identifying numbers. If the significant parts were purchased separately from a new or used parts outlet, a bill of sale or invoice is required. If the major component parts were purchased from a private owner, a bill of sale is required.

c. If the frame and cab that the parts were stripped from will never be used again, i.e., frame and cab destroyed, not salvageable, the title must be surrendered with the application. If the frame or cab can be used again, the owner or motor vehicle investigator will mark the title “frame only” or “cab only”.

d. The vehicle must be completely assembled and meet the requirements of Chapter 9, Title 49, Idaho Code, and the federal motor vehicle safety standards in effect for the model year at the time of application.

**02. Assignment of VIN.** The VIN will be the number assigned to the kit by the manufacturer. In the absence of such number, the motor vehicle investigator will assign a VIN.

**03. Model Year.** The model year will be the year of the kit, determined by priority in the following order:

a. Written statement from the manufacturer.

b. Seventeen (17) character VIN’s model year designator;

c. Designation of model year shown on an approved Manufacturer Certificate of Origin (MCO); or

**04. Make of Vehicle.** The make of the vehicle will be the make of the glider kit.

**05. Title Branded.** The designation “GLIDER KIT VEHICLE” will be branded on the title.

### **305. TITLE APPLICATION REQUIREMENTS FOR REPLICA, STREET RODS, REPLICA STREET RODS, AND ASSEMBLED VEHICLES.**

**01. Applicant Must Provide Proof of Ownership.** The applicant must provide proof of ownership for all significant parts that are used in replicating or assembling the vehicle. The body must have a properly released title from the previous owner or a title in the applicant’s name. The frame only may be transferred with a copy of a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are used must be verified by traceable invoices identifying the part or parts if purchased from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing the seller’s name and address is required. A Manufacturer’s Certificate of Origin (MCO) must accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer together with a statement certifying no MCO was issued for the kit is acceptable.

**02. Model Year.** The model year for replica vehicles and replica street rods will be the year that the vehicle replicates. The model year for assembled vehicles and street rods will be the model year of the vehicle body.

**03. Inspection by a Motor Vehicle Investigator.** When the vehicle is in operating condition an inspection by a motor vehicle investigator is required. A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying statement. In addition, if a vehicle identification number is assigned, the fee required by Section 49-202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner will complete a self-certification form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the federal motor vehicle safety and emission standards in effect for the model year and type of vehicle.

**306. -- 399. (RESERVED)**

**400. ABANDONED VEHICLES.**

**01.** Abandoned vehicles not claimed before the day of sale will be sold by the appropriate governmental entity if one exists. This regulation will not prevent governmental entities from entering into agreements with other governmental entities to conduct sales.

#### **401. GRAY MARKET VEHICLES**

**01. Required Documents.** When the owner of a gray market vehicle applies for title and registration, the following documents must be presented.

- a. Statement indemnifying the Department.
- b. Statement of Facts from a motor vehicle investigator, unless waived by the department based on facts presented by the owner.
- c. All documents relating to ownership including but not limited to; manufacturer's certificate of origin, manufacturer's statement of origin, foreign title, or registration (if the vehicle is not from a titling country), and bills of sale. A complete chain of ownership must be presented from the manufacturer (for new vehicles) or from the last titled owner, or registered owner (if the vehicle is not from a titling country) to all subsequent owners of the vehicle both in the foreign market and the United States.
- d. U.S. Department of Transportation bond release letter
- e. Environmental Protection Agency (EPA) bond release letter or Independent Commercial Importer (ICI) release letter or Designated Canadian Importer (DCI) release letter or EPA letter of waiver.

**02. Designation of Model Year.** The model year for titling and registering gray market vehicles will be determined in an order of priority, based on the following criteria:

- a. The model year used by a specific manufacturer to designate a discrete vehicle model irrespective of the calendar year in which the vehicle was actually produced;
- b. The model year shown on an ownership document issued by that vehicle's country of origin;
- c. Any vehicle manufactured during a twelve (12) month period beginning September 1, and ending August 31, will bear the production year of the calendar year in which August 31 occurs; or
- d. The model year by certification of the importer of record. The certification can be verified against vehicle production dates, based upon substantially similar models of the same make of vehicle.

**03. Foreign Documents.** When a foreign manufacturer's certificate of origin, manufacturer's statement of origin, or registration and/or titling documents are presented, a translation of the foreign documents may be required to clarify the information contained in the documents. If required, such translation will be at the owner's expense and certified by the translator as true and correct.

**04. Conditional Registration.** Until gray market vehicles meet Idaho registration and titling requirements, the county assessor will issue a conditional registration under the "Conditional Registration" program to allow time for the federal government to act upon the required releases or for the owner to obtain legal ownership documentation.

**05. Exception.** When the owner of a gray market vehicle has a current title issued by another state, the other requirements of Section 401 of this rule for title and registration will not apply unless the title carries the brand, "Gray Market Vehicle (not in compliance)" or another brand or notation indicating the vehicle was not brought into compliance with U.S. DOT and EPA requirements. If a gray market vehicle has a current title issued by another state that carries the brand, "Gray Market Vehicle (not in compliance)" or another equivalent brand or notation and the other requirements of Section 401 of this rule have not been met, the vehicle cannot be registered and the owner may only receive an Idaho title issued with same or equivalent brand or notation.

402. – 899. (Reserved)

900. **WAIVER OF TITLING REQUIREMENTS**

01. **PURPOSE.** This rule specifies the circumstances under which a person or entity may waive the thirty (30) day requirement to apply for title to a vehicle which has been acquired by operation of law, and to provide that the person or entity, in lieu of having a certificate of title issued in his name, may provide a bill of sale together with the court order or other instrument entitling the person or entity to the vehicle and any existing certificate of title, if available, to the buyer or transferee upon sale or transfer of the vehicle.
02. **LAW ENFORCEMENT AGENCIES.** Vehicles awarded to law enforcement agencies through operations of law are not required to be titled if the vehicle is not to be put into service by the agency and is to be sold or transferred. In this case, the agency may provide a bill of sale to the purchaser together with a copy of the court order or other instrument awarding the vehicle to the agency, and any existing certificate of title, if available.
03. **INHERITANCE.** Vehicles coming into possession by inheritance will not be required to be titled in the name of the heir when the intent of the heir is not to use or register the vehicle, but to dispose of the vehicle to a transferee. Upon sale or transfer of the vehicle, the heir will provide a bill of sale to the purchaser or gift transfer affidavit to the transferee, together with an affidavit of inheritance or small estate affidavit and any existing certificate of title if available.

901 - 999. (RESERVED)