

Chapter 1 – MVI Manual

1.0 INTRODUCTION

1.1 MISSION STATEMENT

Provide customer service and support through problem solving, investigations, education and regulatory functions to dealers, consumers and other agencies.

1.2 MVI OBJECTIVES

- Ensure compliance with the laws, rules, and Idaho Transportation Department (ITD) policy related to dealerships, titles, Vehicle Identification Numbers (VIN)/Hull Identification Numbers (HIN)/Product Identification Numbers (PIN), and consumer complaints
- Regulate, educate, audit and inspect dealerships and salesman
- Provide customer service for problem solving, ownership research and processing, investigations, VIN assignments and Inspections
- Provide convenience, courtesy, accuracy, promptness, and fairness to all customers
- Support Idaho state code, rule, ITD policies, dealer's services procedures, and goals

1.3 CUSTOMER SERVICE

- Provide technical support, education, investigations and enforcement authority in problem solving, customer complaints and assistance to the public, dealers and other agencies
- Display good customer relation skills and phone presence, able to communicate in a professional, courteous, clear, and concise manner to the public
- Schedule planned appointments with flexibility to fit customers' needs

Chapter 2 – MVI Manual

2.0 ADMINISTRATIVE PROCEDURES

2.1 GENERAL

2.1.1 Purpose

The Motor Vehicle Investigator (MVI) Procedure Manual is designed to guide MVI in performing their assigned duties, and to assist employees in complying with all applicable laws, rules, directives, and standards. The manual also provides instruction, information, and standards for MVIs.

2.1.2 Authority

MVI operations are authorized in [Idaho Code \(IC\) 40-510](#). Responsibilities and duties of MVI are contained throughout this manual. In the event that there is a conflict between sections in this

procedure manual and the current Idaho Code, Idaho Administrative Procedures Act (IDAPA) Rules, or ITD Board Policies and Procedures, then those rules and regulations shall prevail until this procedure manual is updated.

2.1.3 General

MVI shall be professional, courteous and use the utmost diplomacy under all circumstances. MVI shall remain service-oriented, attempt to help resolve problems in the most prompt, appropriate manner and use good judgment when obtaining and recording facts.

2.2 EMPLOYEE COMPLAINT PROCEDURES

[IC 67-5315](#), and [IDAPA 15.04.01](#) guarantee that any classified employee with permanent, provisional or entrance probationary status may seek formal resolution of any job-related matter through “problem-solving” procedures. Complete procedures are located in the [Human Resource Services \(HRS\) Manual, chapter 15: “Problem Solving /Mediation.”](#)

2.3 MVI COMMISSIONS

Board Authority

The Dealer Operations Program Supervisor (DOPS) and MVIs are appointed as Special Agents by the ITD Board. [IC 40-510](#) outlines appointment authority. [Board Policy B-31-04](#) and [Administrative Policy A-31-04](#) further define employee appointments. (Appendix 1)

The Department of Motor Vehicle (DMV) Division Administrator commissions MVIs with enforcement authority. This commission is limited to enforcement of specified *Idaho Code* sections and does not entitle investigators to:

- Access criminal histories
- Carry or use firearms
- Use pursuit or emergency vehicles
- Take custody of persons (arrests)
- Delegate this authority to any other person
- Stop vehicles

Violations witnessed by the investigator should be noted and dealt with appropriately.

When a felony criminal activity is discovered that may lead to prosecution, an investigator shall refer those cases to the local law enforcement agency having jurisdiction **after** consulting with the DOPS.

2.4 PERSONAL SAFETY

2.4.1 Personal Safety

MVIs will make every attempt to make sure that their personal safety is ensured at all times.

2.4.2 Safety Issues and Hostile Threats

When an MVI **anticipates** an encounter with a customer who may be a safety concern they will contact the DOPS. The DOPS and the MVI will discuss how the MVI wishes to handle the encounter, whether they wish to have law enforcement present or take another course of action. If the DOPS is not available then another MVI, supervisor or other employee will be contacted. The MVI shall take their state issued cell phone with them to the contact and have it on them at all times. In all cases, the MVI shall contact the DOPS or other contacted employee at the conclusion of the contact. If the DOPS or other employee does not hear from the MVI within a reasonable time frame, the DOPS or other employee shall attempt to contact the MVI by cell phone or other means. If an MVI does not respond to the call, then law enforcement will be dispatched to that location. If it is determined the person may be a continuing safety risk, that information will be documented and appropriate measures taken for future contacts.

The procedure for handling hostile threats is as follows:

- Keep calm
- Remove yourself from the immediate threat
- Report the incident immediately to your supervisor
- Review security recording (if available) with supervisor to decide on further action

2.4.3 Personal Protective Clothing

MVIs will wear the appropriate clothing when inspecting vehicle; this **may** include but not be limited to:

- Lab coat or coveralls
- Safety glasses
- Latex gloves
- Hardhat

2.4.4 Building Safety

All building doors, except those doors that allow entry to the public, shall be locked. Use remote-entry buttons when buildings are equipped with them. Flip-down portions of counters shall remain down to provide a barrier. If an office has swing gates and flip-down counter tops at the same location, those swing gates shall be closed and locked. Authorized personnel may be allowed behind the counter into the employee portion of the Investigator room. Use precaution when out of the office building. Any Security Recording Device shall be on at all times, and video and audio adjusted for optimal quality (Exception: changing tapes or discs).

2.4.5 Bomb Threats

Concern for safety of MVIs and the public is of primary concern. The policy for handling bomb threats is as follows:

- Keep calm
- Inform the caller that detonation could cause injury or death. This may keep the caller on the line

- Notice the gender and voice characteristics of the caller, and any background noises
- Ask these questions and make written notes as you talk:
 1. What time will the bomb go off?
 2. Where is the bomb located?
 3. What does the bomb look like?
 4. What is the bomb made of?
 5. Why was the bomb placed?
- Report the call immediately to your supervisor, district engineer or other personnel in your location and then do the following:
 1. Call the police
 2. If applicable, activate the fire alarm in your building to evacuate employees and customers
- All persons should evacuate the building immediately. The person receiving the call should remain close, in case the police need more information
- No person should re-enter the building unless authorized to do so by the police

2.5 PERSONAL APPEARANCE STANDARDS

2.5.1 Rationale

MVIs are often in the public eye, whether assisting in titling vehicles, VIN inspections or reviewing or auditing dealerships. Often the only contact made with a representative of the ITD is through the MVIs. The professionalism of ITD should reflect in the appearance of department personnel.

2.5.2 General Appearance Standards

In conformance with [Administrative Policy A-06-09](#), "all employees are to be neat and clean and present a well-groomed and professional appearance whenever on duty".

2.5.3 Supervisor Responsibility

It shall be the responsibility of the DOPS to ensure that MVIs under their supervision maintain ITD personal appearance standards.

2.6 MEDIA REQUESTS

The Office of Communications is the only authorized outlet for disseminating information to the public.

When a member of the news media calls:

1. Identify the reporter by name and organization.
2. Get the reporter's phone number.

3. Determine what information the reporter is seeking, and his or her deadline.
4. Advise the reporter that someone from the department will call them back as soon as possible.
5. Call the Office of Communications at (208) 334-8005 to relay the information.
6. Inform your supervisor about the call.

Even if you know the answers to the reporter's questions, ITD [Administrative policy A-20-01](#) states that you are not authorized to speak publicly on behalf of the department or Motor Vehicle Investigations, unless the Office of Communications gives you that authorization.

Chapter 3 – MVI Manual

3.0 DEALER OPERATIONS PROGRAM SUPERVISOR (DOPS)

3.1 TRAINEE DEVELOPMENT PROGRAM

The MVI Trainee will follow an on-the-job training course monitored by the DOPS, using established training modules as well as on-the-job training.

3.2 MVI CONTINUING EDUCATION PROGRAM

MVIs will participate in continued education as available and as directed by the DOPS . The DOPS will ensure continuing education is available and provided as required by [Board Policy 4020](#).

3.3 MVI PERFORMANCE STANDARDS

The following are criteria used in evaluating MVI's performance:

- Use IDAPA rules, IC Title 48, Chapter 6, and IC Title 49, Chapters 5 & 16, ITD manuals, and other resources to ensure compliance to Idaho rules and laws
- Remain current on all memos, titling procedures and laws
- Explain laws, policies, and procedures to the dealer industry and public, as requested
- Use available computers correctly, and in the manner intended, following the [Computer Use policy # A-22-02](#) (See Appendix 2)
- Remain current on programs as they are updated on the computer, and utilize them as needed to perform job requirements
- Gather and relay information as requested, assisting other agencies when requested. Notify DOPS of requests from other agencies
- Respond in a knowledgeable, courteous and professional manner
- Maintain good working relations with co-workers
- Observe safety standards and comply with Employee Safety/Loss Control manual, striving for zero preventable accidents, and use safety gear such as hard hats, safety glasses, and masks as needed

- Maintain a safe, clean, and comfortable office for daily tasks and receiving the public
- Secure MVI office and assigned vehicles at end of shift
- Maintain standards as outlined in ITD HRS Manual on EEO/Affirmative Action Statement
- Be familiar and comply with ITD General Conditions of Employment found in the HRS Manual chapter five
- Notify your supervisor of any training needs or requests, and attend assigned training
- Assist in the on-the-job training as requested by the DOPS
- Accept reasonable assignments from the DOPS, DMV Operations Manager, or administrator
- Maintain calendars to include office hours and county visits, and report all MVI activities to DOPS as requested or required
- Have a general idea of travel times, the geographical area of the assigned district, and the specific locations of the county offices and their hours of business
- Develop knowledge of VIN, HIN, and PIN locations as well as location of secondary identifiers
- If a VIN/HIN/PIN alteration is found, investigate vehicle ownership, history, and identify discrepancies. Organize and present information and evidence obtained during the investigation
- Monitor dealer activities, ensuring they meet and comply with all applicable Idaho laws
- Respond to complaints against dealers in a timely manner
- Enforce dealer compliance in accordance with the schedule of progressive discipline, using good documentation to justify actions taken
- Investigate reports and/or evidence of un-licensed dealer authority
- Assist in investigations of odometer or title fraud
- Help the public obtain titles to their vehicles/vessels or verify the identity of their vehicles/vessels (goal is to resolve within 30 days)
- Complete all documents accurately, clearly, including accurate calculation of fees, taxes due, etc., and ensure proper distribution
- Document and obtain signatures of customer
- Reconcile any errors in a timely manner, without a pattern of repeat errors
- Have knowledge and ensure readiness of all office equipment and filing systems

3.4 MVI OPERATIONS AND SCHEDULING

The DOPS is authorized to set hours of operation and MVI office closures. The following should be notified of an unscheduled closure as soon as possible:

- MVI Headquarters
- Other Idaho MVIs

The Division of Human Resources [IDAPA Rule 15.04.01.073.04](#) regarding holiday pay states that “all classified employees of like classification, shall be treated equally with reference to hours of employment, holidays, and vacation leave” and “schedules resulting in holiday time off in excess of eight (8) hours must only be approved in such a way as to treat all members of the affected job classification

equally. Appointing authorities may suspend flex schedules during holiday weeks in order to ensure equity.”

Employees on a flex or compressed schedule (e.g., four ten-hour days) are only eligible to receive eight hours of holiday time—the same as employees who work five eight-hour days.

Supervisors will either schedule two (2) additional hours of time worked into the standard workweek, or will schedule approved leave in combination with regular work hours as an alternative to complete the forty (40) hour work week. Employees who work during state holidays will record on their timesheet only the eight (8) holiday hours (HOL) and any regular time (HOA) worked on the holiday.

3.5 NUMBERED MEMOS

The DOPS will number all memos issued to MVI. The format is as follows: MVI + memo number + fiscal year + status of memo. Numbering will be in the subject line of the e-mail.

Numbered memos issued by the DOPS and those issued with managers’ initials by other sections and agencies must be made available to personnel. The DMV Administrator and Operations Manager will countersign a numbered memo that pertains to ITD policy. Pertinent information and procedures contained in numbered memos will be incorporated into the MVI procedure manual in June of each year. Numbered memos will expire one year from the issue date, unless previously superseded. Suggestions for memo topics may be forwarded to the DOPS for consideration.

Examples of memo topics originating from others include the following:

- Instructions from Information Technology (IT) on the use and/or implementation of data programs, etc.
- The cover letter of instruction on MVI Manual updates and memorandums will also be numbered and made available. This letter will briefly state and/or explain the change. The employee can then go to the manual for further review.

This procedure is in addition to internal procedures.

3.6 HUMAN RESOURCE SERVICES (HRS) PROCEDURES

Employee Personnel Files/List

- The HRS Personnel Technician will maintain an MVI employee list per District
- MVI personnel files will be kept in the HQ office

FMLA/Disabilities

- Contact the Human Resources (HR) Specialist, Sr. and/or the HR Associate with any questions regarding Family and Medical Leave Act (FMLA)
- Disability claim forms will be requested by the District Personnel Technician or the HR Associates

- If you have rejections on time sheets with FMLA coding, contact the HR Personnel Technician

Vacancies (Retirements, Terminations, Layoffs)

- The DOPS will provide written notice and documentation of the separation or retirement to the Operations Manager.
- The applicable person in HRS at ITD headquarters will enter appropriate information into the Advanced Management System (AMS) and Idaho Paperless Online Personnel/Payroll System (IPOPS).
- Medical layoffs (disability or workers compensation): The DOPS will contact Headquarters HR Specialist. The HRS will provide guidance on how to proceed, based on appropriate input and information provided by the DOPS and the DMV Operations Manager.
- Layoffs other than medical: The Operations Manager will contact Headquarters HR Specialist.

The MVI will contact the DOPS who will contact HQ managers or HRS for assistance for all other personnel matters that may arise.

Service Certificates

- Verification and confirmation of certificates will be sent by HRS to the DOPS
- Certificates for the service awards will be signed in Boise by the DMV Administrator

3.7 PURCHASING & SUPPLY PROCEDURES

The DOPS will process MVI supply requests. Special request items must have approval of the Operations Manager.

Chapter 4 – MVI Manual

4.0 OFFICE AND EQUIPMENT MANAGEMENT

4.1 EMPLOYEE RESPONSIBILITY

The MVI will need to maintain an office which is organized and ready to serve our customers and will need excellent communication skills for dealing with dealer investigations and disputes, public and government, and the ability to communicate effectively in person, in writing, and on the phone. Development of problem solving skills and gray area decision making based on Idaho Code and federal law will be required.

4.2 BUSINESS PROCEDURES

MVIs are provided manuals, reference materials, computers, printers, and phones to aid in their customer service. The office must be organized in such a way that these items are easily accessible for use in daily duties.

4.2.1 Computers

Computers are to be used in the office and in the field where viable. MVI must know and adhere to the [ITD Computer Use Policy](#). (See Appendix 2)

Outlook is a program MVIs are to use to keep track of their appointments, phone calls, and other duties. It is imperative that the schedule is complete and updated regularly. Appointments on the computer are to include the complete name, phone number, and address of customers, as well as a brief description of the appointment. To aid in travel, directions should be included in the comment section.

The MVIs are to complete a daily phone log to be posted on Sharepoint. This phone log will list the name of the customer, number to contact them, description of issue and date the return contact was completed. Appointments, office work, and miscellaneous duties such as citations, audits, and special projects will be recorded and displayed in the Calendar section of Microsoft Outlook. Appointments with customers will contain the customers contact information in the event that an MVI cannot attend the appointment and the customer must be notified of this change.

4.2.2 Dealer Files

Dealer files should include copies of all documents issued during contacts with the business. This would include [Inspection For Dealer License, ITD 3877](#), [Dealer Non-Compliance Warning, ITD 3872](#), Idaho Uniform Citation, ITD 4976, [Dealer Audit Reports, ITD 3835](#), and any other correspondence. Each dealer file will also include photographs of the dealers PPB taken during the dealerships initial inspection or location change inspection.

Dealer files should present a “whole picture” of a dealers history with the Idaho Transportation Department for the purpose of continuity between MVI’s.

4.3 TELEPHONE & CELL PHONE PROCEDURES

VOIP phones, and cell phones will be used according to the ITD procedures outlined in the [ITD Style and Communication Guide](#). Voice mails should be pulled daily, logged into the MVI call log on SharePoint with calls returned in the order in which they were received in a timely manner (no more than 2 business days).

4.3.1 Cell Phone Use in ITD Owned Vehicles

Safety is a key objective of ITD Executive Management. Safety is part of the department’s strategic plan, it is one of the MVI performance measures, and it is one of the key objectives in the new long range system plan. Since safety on the roadways receives such high attention for those who travel on Idaho’s highways, it is equally important to management that employees set an example to others and be as safe as possible.

In an effort to model safe driving practices, effective October 25, 2010 per [Director's Memo #24](#), all department personnel are prohibited from using a cell phone or other messaging device, including hands free or text messaging operations, for any reason while operating a moving ground vehicle or piece of equipment to perform work duties for ITD. Drivers on ITD business are required to stop the vehicle in a safe location to use a cell phone or other messaging device other than a two way radio. ITD employees riding as passengers may use the cell phone, including text messaging. See Appendix 4.

4.4 VEHICLE STANDARDS

MVIs are required to keep their ITD assigned vehicles in good working condition and comply with all vehicle use requirements as set forth in [Administrative Policy 5505](#) (see appendix 5). The vehicles are to be washed and vacuumed on a regular and as needed basis. Vehicles are to be brought in for regular service every 6,000 miles or as directed by your maintenance supervisor.

Vehicles are issued with front and rear amber flashing lights. These are not to be used unless directed by the DOPS.

Each vehicle should be equipped with a fire extinguisher and a first aid kit. Tool kits should include tape measure, drill, bits, die stamps, hammer, and cleaning tools such as sand paper, wire brushes, and other regularly used items for field visits.

Chapter 5 – MVI Manual

5.0 FINANCIAL SERVICES

As of July 1, 2018 the MVIs will no longer accept payments of any type in any form. Services will still be provided by the MVIs to the public however all payment will be made at the County DMVs. A reference guide to this new process has been added to the County SharePoint Page under Title Resources.

5.1 FEE COLLECTION FOR VIN REASSIGNMENT ONLY

Certain MVI customer will not require title work to be completed by a MVI and will simply need a VIN reassigned to their vehicle. Fees for VIN reassignment only cannot be collected at the county and must be collected by ITD. The MVI will provide the customer a copy of the *ITD-3598, ITD Motor Vehicle Investigator Statement of Facts* and instructions on how to submit fees for the decal assignment. VIN reassignment customers have two options for payment. Customers can contact the ITD Dealer Licensing team to pay by phone using a credit or debit card. If the customer intends to pay by personal check or money order they will have to mail in payment and a copy of the Statement of fact provided by the MVI to:

Idaho Transportation Department
ATTN: Dealer Licensing
P.O. BOX 34
Boise ID 83707-0034

Chapter 6 – MVI Manual

6.0 ENFORCEMENT

6.1 GENERAL

The Director of ITD commissions MVI with enforcement authority. This commission is limited to enforcement of specified Idaho Code sections and does not entitle investigators to:

- Access criminal histories
- Carry or use firearms
- Use pursuit or emergency vehicles
- Take custody of persons (arrests)
- Delegate this authority to any other person

Enforcement is the means used by the MVI to achieve compliance with the Idaho code. There are several situations where the MVI's investigation may lead to enforcement.

- Dealer Violations
- Unlicensed dealer violations
- Fraud cases involving motor vehicle laws

Whenever dealing with violations between private parties, the MVI must discuss the matter with the DOPS. It is generally recommended that these cases be processed in conjunction with the law enforcement agency having jurisdiction over the matter.

The MVI does not have the authority to stop vehicles. Dealer violations witnessed by the MVI should be noted and addressed at the dealership.

6.2 LAW ENFORCEMENT ASSISTANCE

The investigator can provide technical support and training upon the request of a law enforcement agency. However, the investigator shall not serve or be in attendance with a law enforcement agency in the serving of search warrants, arrests, or interviewing suspects in potentially hazardous situations. If it is required that the Miranda rights be read, the proper police agency shall take charge of the investigation.

When an investigator will be assisting a law enforcement agency, or requesting their assistance the investigator will notify the DOPS.

Examples of technical assistance provided are:

Review evidence after secured by law enforcement

- Identify vehicles at search warrant locations after the search warrant has been served and the area is secured

- Testify as an expert
- Testify as to initial contacts (probable cause) on investigations to help obtain search warrants

6.3 PROGRESSIVE DISCIPLINE FOR DEALERS

Progressive discipline is the process the department follows to gain compliance by dealers. When a dealer's violation is discovered the MVI should attempt to resolve the matter at the lowest possible level, following the steps laid out in this policy.

An MVI should first contact the dealership as to the nature and reason for the violation. This contact can be either in person, email, or by phone. Copies of documents pertaining to the violation should be collected from the dealership and any questions or resolutions of a violation should be documented with both the dealership and the MVI receiving a copy of such resolution or plan.

- Documented first-time violations of ITD rules
- Documented first-time violations of misdemeanor provisions of [Idaho Code, Title 49, Chapter 16 \(Dealer Act\)](#)
- Documented first-time violations of misdemeanor provisions of [Idaho Code, Title 49, Chapter 5 \(Title Act\)](#)
- Documented first-time violations of misdemeanor provisions of [Idaho Code, Title 48, Chapter 6 \(Consumer Protection Act\)](#)

An MVI's citation, as outlined in section 6.7, may be issued and a criminal complaint filed with the district court upon approval of the DOPS for:

- Documented repeated violations of misdemeanor provisions of [Idaho Code, Title 49, Chapter 16 \(Dealer Act\)](#)
- Documented repeated violations of misdemeanor provisions of [Idaho Code, Title 49, Chapter 5 \(Title Act\)](#)

A formal complaint may be filed with the Office of the Attorney General, upon approval of the DOPS, for documented repeated violations of misdemeanor provisions of [Idaho Code, Title 48, Chapter 6 \(Consumer Protection Act\)](#). The investigator should not issue a citation to the dealer for these violations.

A formal complaint may be filed in district court, upon approval of the DOPS, for documented felony violations of [Idaho Code, Title 49, Chapter 5 \(Title Act\)](#).

[Idaho Code, Title 49, Chapter 5](#), addresses felony violations regarding title fraud, failure to deliver, title applications, falsifying documents, title document forgery, VIN alterations, stolen vehicles, etc. When any of these violations are discovered and documented, the MVI shall refer the case to the appropriate agency.

The dealer's/salesman's license shall be revoked or denied for:

- Misdemeanor convictions of [Idaho Code, Title 49, Chapter 5 \(Title Act\)](#)
- Misdemeanor convictions of [Idaho Code, Title 49, Chapter 16 \(Dealer Act\)](#)
- Misdemeanor convictions of [Idaho Code, Title 48, Chapter 6 \(Consumer Protection Act\)](#)

The dealer's/salesman's license shall be revoked and denied for not more than 10 years for:

- Felony convictions of [*Idaho Code, Title 49, Chapter 5 \(Title Act\)*](#)
- Felony convictions of [*Idaho Code 49-1418*](#) pertaining to defacing, altering, or obliterating vehicle identification numbers
- Felony convictions of federal or state laws involving odometer fraud, salvage vehicle disclosure fraud, and/or vehicle safety standards

6.4 DEALER VIOLATIONS

When it is determined that a dealership is in violation of *Idaho Code* or *IDAPA Rules*, the MVI shall serve written notice to the owner of the dealership on an [*ITD-3872, Dealer Noncompliance Notice*](#). This written notice shall state:

- The name and dealer number of the dealership
- The date on which the violation occurred or was discovered and the date the notice was issued
- A description of the violation that occurred
- The signature of the dealer and the investigator

Dealership Non-Compliance Warnings are to be issued by an MVI, in person, to the dealer principal or their corporate substitute. DNCW are not to be mailed.

The dealer shall receive a copy of the notice, the investigator shall retain a copy, and a copy shall be forwarded to the DOPS and the dealer team at headquarters.

On the designated date, the investigator shall recheck the dealership to determine if compliance has been attained, when required.

If it appears the dealership is not attempting to comply, the investigator shall follow the progressive discipline procedures outlined in Section 6.3.

6.5 ODOMETER VIOLATIONS

State and federal legislation makes certain activities involving odometers illegal. *Idaho Code* sections are included in the Motor Vehicle Dealer Act. Therefore, violations of these provisions are grounds for action against a dealer's license. It shall be the policy of investigators to work with the dealer to bring about compliance with the *Idaho Code* sections. Notification to correct the deficiencies shall be issued by Dealer Noncompliance when violations occur.

If it is determined intentional fraud has taken place, the investigator should contact the Attorney General's office and/or the FBI to pursue prosecution. If a dealer is involved, the investigator shall contact the DOPS to determine if filing an administrative action against the dealer's license is appropriate.

6.6 DEALER SUSPENSION OR REVOCATION PROCEDURES

When the MVI determines that there is cause for a dealer's or salesperson's license is to be suspended or revoked, he shall file a sworn report. The sworn report shall be of the format shown on the [*ITD-500, Department Memorandum*](#) (See appendix 6). The MVI's signature on the report is to be notarized. The original is to be submitted to the DOPS.

- The sworn report shall list the documented violations with the evidence to support the allegations. This shall include the contacts which were made with the dealership to gain compliance
- The DOPS shall review the report to determine that the documentation meets the requirements for proceeding with suspension/revocation. Upon determining to move ahead with the action, the DOPS shall consult the DMV Operations Manager. The report shall then be presented to ITD's AG office to proceed
- The dealer or salesperson has a right to request an administrative hearing before revocation occurs

IDAPA 39.02.03 SUSPENSION AUTHORITY

The department reserves the authority to suspend a dealership license for any violation of the provisions of chapter 49 for a time period of no more than 180 days.

6.7 Citation Issuance

ITD's MVIs issue citations using an *ITD-4976, Idaho Uniform Citation*. Investigators have a limited commission to issue citations. A copy of the front page of the citation and the instructions are included in appendix 7.

Citations issued by a MVI are a summons to appear before a judge to answer for charges filed by the department. These charges must be filed IAW Idaho State Supreme Court guidelines. The date of appearance listed on the citation must not be less than 7 calendar days from the issuance of the citation or more than 21 calendar days from the issuance of the citation.

While all enforcement actions are at the discretion of the MVI, a citation should be the final enforcement action an MVI takes after a thorough attempt at compliance through education and warnings has failed.

It is the MVI responsibility to contact each county PA to determine preferred method of citation issuance/ charging document. MVIs will relay this information to D3D investigator

The D3D MVI will create and maintain District PA preference/contact sheet for each district after each MVI has contact their county PA's and reported back their findings. The D3D MVI will update PA sheet in SharePoint in the event that a new PA is elected in a county that is covered by a MVIs district.

Idaho is a 1 party recording state. If a MVI records the conversation include both the beginning time of the recording and the ending time of the recording. Remit all recording to DOPS and the DMV Manager immediately after the recording has concluded.

Report to prosecutors should not include MVI opinion on type of punishment. Report is a statement of facts.

The issuance of a citation should occur in a location that provides safety to the MVI. Assistance/the presence of the DOPS or other MVIs can be requested and travel coordinated beforehand. An audio recording of the issuance is recommended as it can provide key evidence to the prosecutor during trial. Audio recordings also provide protection to ITD employees.

Citations are sent to the county seat of the county in which the citation was issued. A deposition/report to the prosecutor with supporting documents must be written and ready to be handed to the prosecutor when requested.

6.7.1 DOPS Responsibilities

The DOPS has the primary responsibility of training the assigned personnel. The supervisor shall ensure that personnel authorized to issue citations receive training either through on-the-job training or an ITD-sponsored course, if available.

The supervisor shall ensure that citations issued are consistent with the Operations Program policies and procedures.

6.7.2 MVI Responsibilities

ITD gives investigators discretion in the type of action appropriate in any given situation. Investigators are not compelled nor directed to issue citations for every violation of *Idaho Code*. Neither are they compelled to give only warnings for these violations.

ITD depends upon the professionalism and good judgment of its personnel to apply proper action as deemed necessary. The key element is what type of action will gain compliance with the law at the lowest possible level while remaining consistent with ITD's mission of providing excellent customer service.

6.7.3 Amended Citations

If an incorrect citation has already been submitted to the magistrate court, the investigator will promptly contact the prosecutor's office to make them aware of the problem. The citation can be amended by the prosecutor upon the request of the MVI.

6.7.4 Voided Citations

All citations must be accounted for. When a citation is voided before issuance, the MVI's copy (with green stripes) shall be kept on file at the investigator's office. All other copies shall be sent to the DOPS at ITD headquarters.

6.7.5 Format for Completing Citations (see appendix 7)

On the citation, the MVI will report the findings from his investigation, including the violation, the individual being cited, and the date of the violation. Citation information **MUST** be legible on all copies.

It is critical to know where the violation occurred so the citation can be properly addressed to the correct jurisdiction. The defendant shall be properly identified. His name and address along with the company he represents shall be written on the citation. If the defendant represents a dealership, the dealer's number and business address shall be written on the citation.

Using ITD's one person, one record (OPOR) standards, the defendant's identification, identification number and physical description are written on the citation.

If a vehicle is involved, it can be identified by year, make, model, color, and license plate number (for dealer plates) or VIN.

The investigator will then identify the violation code reference and give a brief explanation of the violation(s). The time and location of the violation will be documented.

The citation will be dated for the time it is issued to the defendant. The citation shall include the investigator's signature, identifying number, and the department.

Request the defendant's signature on the citation. If the defendant refuses to sign it, the investigator can sign at the bottom and serve it to the defendant.

6.7.6 Distribution of Citation Copies

The *ITD-4976, Idaho Uniform Citation*, has five copies. Copies are distributed as follows:

- The first and second copies go to the magistrate court in which the violation is cited
- The third copy goes to the defendant. It is imperative that the back of this copy is marked in the appropriate Misdemeanor box and the applicable section is read to the defendant. Also, the court contact information, including court telephone number, needs to be listed on the back
- The fourth copy is retained by the MVI. Additional notes can be documented on the back of this copy as it pertains to the case
- The fifth copy is sent to the Lead MVI for document retention and continuity

6.8 Unlicensed Dealers

MVIs shall ensure that all dealers, salesmen, and manufacturers requiring a license under the Motor Vehicle Dealer Act of *Idaho Code* comply with the licensing requirements. Investigators shall investigate all alleged violations of this act and take necessary actions to attain compliance. Persons contacted should be notified that it is a violation of *Idaho Code* to offer vehicles for sale without the title in their name or to sell five or more vehicles a year without first obtaining a dealer's license. An MVI may send a "Cease and Desist" letter to unlicensed dealers.

[IC 49-1601](#) makes acting as a dealer without a dealer's license a misdemeanor. These violations would be selling or offering for sale any vehicle without their name recorded as the owner on the title. Selling 5 or more vehicles in a calendar year is also illegal. [IC 49-518\(6\)](#) states it is a felony to sell a vehicle and not provide a title to the purchaser. [IDAPA 39.02.02, Vehicle Dealer License Requirements](#), clarifies the requirement for a motor vehicle dealer's license.

When it is suspected that there is unlicensed dealer activity, the MVI shall investigate to determine who the owner of record is. It is necessary to identify the vehicle, make, model, VIN, and license plate if one is displayed. The seller of the vehicle should be identified.

When it is determined that the seller is acting as a dealer without a license the MVI shall take the necessary steps to bring him into compliance. The MVI can place a "STOP" on the title record of any vehicle suspected of being offered for sale by an unlicensed dealer.

Issuing a citation to the suspect is an option to the MVI. If there is an established pattern with this individual selling illegally the citation should be issued. Caution is necessary when confronting unlicensed dealers. The MVI should be prepared to de-escalate a possible volatile situation and file their complaint directly with the prosecutor.

Notify DOPS of unlicensed dealer activity and actions taken. When a complaint is filed with ITD concerning a suspected unlicensed dealer, the MVI shall do a preliminary investigation and notify the DOPS and VSM of the findings within 5 days.

At locations where vehicles are parked for sale the investigator may ask the property owner to install signs advising that unauthorized vehicles left on the property may be towed.

When investigating unlicensed dealers, referrals may be made to the tax commission for compliance with tax law.

Chapter 7 – MVI Manual

7.0 CUSTOMER SERVICE

7.1 DEFINITION

Customer service ties the department's strategic goals of being "user-friendly and customer-driven" to daily department operations. MVI shall consider customer service a primary responsibility in the performance of all duties, and are encouraged to seek innovative methods that will improve the department's commitment to customer service.

7.2 MVI CUSTOMERS

- Auto dealers
- General public
- Law enforcement officials
- County DMV staff
- Other government agencies

7.3 MEETING WITH CUSTOMERS

As much as the investigator would like to make customers happy, not all customers will be satisfied and some will never be satisfied.

For safety purposes the department would like the MVI to meet with all of their customers at the MVI office or the local county DMV office whenever possible. At the MVI's discretion they may opt to meet the customer at another location.

7.4 CONSUMER COMPLAINTS

When consumers present the MVI with complaints involving vehicle purchases, the MVI must separate the complaints into three areas:

1. Those involving dealers
2. Those primarily of a civil nature between private parties
3. Those involving criminal activities within the departments scope of authority committed by unlicensed dealers or members of the public.

The D3D MVI will triage complaints as they are submitted to the department. The D3D MVI will review each complaint and determine the validity of each complaint. D3D MVI will contact complainants who have submitted complaints that are not in the scope of authority of ITD, civil in nature, or unsubstantiated. Those complaints will not be entered into a case management system and assigned to an MVI. Complaints that fall under ITD scope of authority will be assigned to the appropriate Investigator. Investigators will have a responsibility to contact the complainant within 30 days of receiving notification of the complaint being filed with the department. Complaints are not required to be closed within a specific time limit as each complaint is unique. Investigators should maintain communication with the DOPS on complaints that will result in enforcement actions against a dealership or cannot be easily closed due to extraneous circumstances.

7.5 CUSTOMERS REQUIRING A TRANSLATOR

ITD is contracted with an outside vendor that provides translation services for the department over the phone. If a MVI has a customer that requires a translator they should follow the instructions below. Conference calls are available upon request.

Department of Transportation – Division of Motor Vehicles
Account ID 10649

Telephonic Interpreter Access Instructions

1. Call toll free number **(866) 908-5744**

If you need a Spanish interpreter you will be connected immediately by pressing "2" when prompted. If you need any other language press "3" or stay on the line.

2. Provide the following Information:

- ✓ Your account number **10649**
- ✓ Your First name & Last Initial
- ✓ Your Phone Number

3. Hold as our operator connects you to your interpreter.
4. Conferencing option is available or upon request.
5. Begin conversation.

If an in-person translator is required it is suggested that the translator not be related to the individual requiring translation assistance when complaints or violations are involved, however, MVIs are expected to use good judgment in such situations.

Chapter 8 – MVI Manual

8.0 DEALERS

8.1 DEALER DEFINITION

[Idaho Code 49-105\(1\)](#) defines a dealer as “every person in the business of buying, selling or exchanging five (5) or more new or used vehicles, new or used neighborhood electric vehicles, new or used motorcycles, motor driven cycles, snow machines or motorbikes, travel trailers, truck campers, all-terrain vehicles, utility type vehicles or motor homes in any calendar year, either outright or on conditional sale, bailment, lease, chattel mortgage, or otherwise, or who has an established place of business for the sale, lease, trade, or display of these vehicles.”

8.2 DEALER LICENSING REQUIREMENTS

A dealer's license (*ITD-3177, Vehicle/Vessel Dealer License*) is required when:

- Selling or exchanging five or more vehicles, including boats, in any one calendar year, even though they are titled in the seller's name
- Displaying for sale or exchanging five or more titled vehicles, at any one time, even though they are titled in the displayer's name
- Selling or exchanging a vehicle that is not titled in the seller's name
- Displaying for sale or exchanging a vehicle that is not titled in the displayer's name
- Soliciting the sale of or exchanging a vehicle that is not titled in the name of the person making the solicitation
- Engaging in the business of selling or exchanging vehicles or engaging in any other acts customarily associated with the business of selling or exchanging vehicles
- Displaying for sale, exchanging, or consigning a vehicle on property that is not legally controlled by the owner of the vehicle or when the owner does not have written permission of the landowner

A dealer's license is not required for an insurance company, finance company, public utility company, or person coming into possession of any vehicle incidental to primary business activities, following which the vehicle is disposed of through sale.

A dealer's license is required for sales of vehicles to governmental agencies. However, sales of certain specialty vehicles listed in [Idaho Code 49-1601](#) are exempt: Fire trucks, fire engines, urban transit buses, ambulances, street sweepers, and hazardous material response vehicles.

[Idaho Code 49-502](#) specifically prohibits anyone to sell a vehicle without a title in their name, unless they have a dealer's license. Therefore, it is unlawful to negotiate or solicit sales without a dealer's license or a title in the name of the seller.

8.3 PRINCIPAL PLACE OF BUSINESS (PPB)

8.3.1 Definition:

[Idaho Code 49-117\(15\)](#) defines principal place of business as “an enclosed commercial structure located within the state, easily accessible and open to the public at all reasonable times, with an improved display area large enough to display five (5) or more vehicles of the type the dealer is licensed to sell, immediately adjoining the building, and at which the business of a dealer, including the display and repair of vehicles, may be lawfully carried on in accordance with the terms of all applicable building codes, zoning and other land-use regulatory ordinances, and in which building the public shall be able to contact the dealer or his salesmen in person or by telephone at all reasonable times. The books, records, and files necessary to conduct the business of the dealership must be kept or reproduced electronically at the dealership's licensed location(s). A dealership keeping its physical books, records and files at an off-site location must notify the department in writing of such location at least thirty (30) days in advance of moving such books, records and files off-site. Physical books, records and files must be made available to the department upon request within three (3) business days of such request. The principal place of business shall display an exterior sign permanently affixed to the land or building, with letters clearly visible to the major avenue of traffic. In no event shall a room or rooms in a hotel, rooming house, or apartment house building or part of any single or multiple unit dwelling house be considered a ‘principal place of business’ within the terms and provisions of this title unless the entire ground floor of that hotel, apartment house, or rooming house building or dwelling house be devoted principally to and occupied for commercial purposes, and the office or offices of the dealer be located on the ground floor.”

8.3.2 Physical Requirements:

- A permanent structure that complies with all the local building and zoning codes approved by the local Planning and Zoning personnel
- A **lockable** filing cabinet or desk drawer to keep dealership records
- A **lockable** door separating the dealership office from other businesses/ dealerships sharing the building, with the dealership office clearly marked with the business name, unless the shared business is wholly owned by the same individual(s)
- A business phone which has a published business number either in a local directory or online. Business phones shall be answered during business hours or at all other reasonable times in the name of the licensed dealer. The telephone may be answered in person, by an answering machine, or at a remote location in person
- A permanently mounted sign identifying the dealership by name, street address, and dealer number (placed on the sign after the Dealer Team assigns a number). The suggested sign size is 24 square feet with the required minimum letter size of 4 inches, clearly visible from the major avenue of traffic. Wholesale dealers do not have a recommended sign size, but must use minimum 4 inch letters

- A display area for five or more vehicles of the type being sold. The display area shall be located adjacent to the dealership in such a manner that the office of the dealership may be readily recognizable. If the display area is to be shared with another dealership or business, there shall be a physical divider visible in any type of weather, such as chains, ropes, fencing, etc., used to separate said area from any other business. Wholesale dealerships are not required to have a display area
- A minimum of 1 hour Monday – Friday 8 am to 5 pm of declared business hours is required.
- The principal place requirements for the dealership must be maintained. If at any time the department determines the dealership no longer maintains the PPB requirements, a dealer license may be suspended in accordance with Dealer Enforcement Procedures in Section 6.

8.3.3 Internet Sales

Advertising vehicles on the internet does not change the fact of *Idaho Code* requirements for a PPB. All requirements are the same for a business who “advertises” their vehicles on the internet. Negotiations can be done electronically but all paperwork and documents must be signed at the dealership. As a service, dealers may deliver sold vehicles to their customers, but all documents must be signed at the licensed location.

8.3.4 Supplemental Lots

- A permanent supplemental lot is a display area at a different address in the same or an adjacent county that is physically separated from the PPB. Physically separated is defined as separated by other than infrastructure such as streets or alleys. The supplemental lot must meet the same application and physical requirements as the PPB, except the business records of the dealership may be maintained at the PPB ([IC 49-120](#)) There is a \$44 fee required for inspection by a MVI.
- A temporary supplemental lot is for a temporary sale that a dealer may have away from the location of his PPB. It is sometimes called off-site or tent sales. A license must be issued for a supplemental lot any time the dealer is selling or displaying vehicles for sale at that location. Any time a salesperson is present or prices are listed, a temporary supplemental lot license is required. [IC 49-121](#) The dealer may apply for a temporary supplemental lot using an [ITD 3198, Application for Off-Site Motor Vehicle Dealer’s License Temporary Supplemental Lot](#)

8.4 DEALER TYPES

A new vehicle dealer is authorized to sell new vehicles for which he has obtained a franchise to sell either retail or wholesale. A new dealer's license also authorizes the dealer to sell any used vehicle, either retail or wholesale. The code groups on the database are:

- NEWV – new vehicle dealer
- NNEV – Neighborhood Electric Vehicle dealers
- NMSA – new motorcycle, snowmobile, or ATV dealer
- NUTR – new/used trailer dealer
- NURV – new/used RV dealer
- BOAT – new/used Boat dealer

A used vehicle dealer is authorized to sell any used vehicle, either retail or wholesale. The codes groups on the database are:

- USEV for a used vehicle, vessel, RV, boat, snow machine, cycle, ATV, or trailer dealer
- UMSA for a used motorcycle, snowmobile, or ATV only dealer

A wholesale dealer is only authorized to sell wholesale (dealer to dealer). They may not retail a vehicle unless it is titled in their name first, and they are limited to 4 per year or they must obtain a retail license. The code on the database is:

- WHSD

A manufacturer constructs or assembles vehicles, and is authorized to wholesale these to authorized franchised dealers for their product. A distributor is a person or business who has a franchise from a manufacturer of vehicles to sell or distribute vehicles to franchised retail dealerships. The code groups on the database are:

- IDMF – Idaho manufacturers
- OSDM – Out of state manufacturers, distributors, and factory reps
- Prior to 2012, dealer numbers were assigned based on the type of dealership and the product sold. Beginning in 2012, dealer numbers were assigned to new dealers based on order of application, starting with 4500. They no longer correlate to the type of dealer, with the exception of manufacturers and wholesalers, which are still assigned in accordance with the old system. The dealer numbers assigned to dealers prior to 2012 were:
 - 0001 – 0899 – Franchise dealers
 - 0900 – 0998 – Franchise NEVs
 - 1000 – 1999 – Any used vehicle
 - 2000 – 2499 – New & used Motorcycles, ATVs, & snowmobiles (new or used)
 - 3000 - 3999 – Franchise Motorcycles
 - 4000 – 4999 – Mobile Homes (new or used)
 - 5000 – 5999 – New & used trailers
 - 6000 – 6999 – New & used motorhomes and travel trailers
 - 7000 – 7999 – Wholesale dealers
 - 8000 – 8999 – Boat & watercraft dealers
 - 9000 – 9499 – Idaho manufacturers
 - 9500 – 9899 – US (non-Idaho) distributors/manufacturers
 - 9900 – 9998 – Taiwanese/Chinese manufacturers

***Dealerships opened after 2017 no longer have a specific dealer code number the correlates to type of dealership.**

A broker is a person who collects a fee, commission, or other valuable consideration for arranging or offering to arrange a transaction involving the sale (but not resale) of a vehicle, but is not the owner of the vehicle nor is he a representative, a distributor, or the owner involved in the transaction. Brokering is illegal in Idaho. [Idaho Code 49-1601](#) forbids the sale or the solicitation of a sale of a vehicle not titled in the name of the seller, unless the seller is a licensed Idaho vehicle dealer.

[Idaho Code 49-502](#) & [49-518](#) specifically prohibit anyone to sell a vehicle without a title in their name, unless they have a dealer's license. Therefore, it is unlawful to negotiate or solicit sales without a dealer's license or a title in the name of the seller.

8.5 DEALERSHIP APPLICATION REQUIREMENTS

8.5.1 Dealer Education

Applicants applying for a used vehicle retail dealer's license or a wholesale license who have not been licensed as a retail or wholesale dealer within the previous 12 months must complete an eight (8) hour pre-license class and pass a closed book written test prior to submitting an application per [Idaho Code 49-1637](#). The applicant may be required to submit a certification documenting attendance at the pre-licensing class and test results. This class is proctored by the ISIADA with ITD providing the accreditation and quality control to the Association.

Each year prior to renewal the owner of a used vehicle or wholesale dealership must complete at least four hours of annual education that is recognized by the department before a license can be issued. The owners or members of a corporation, limited liability corporation, or limited liability partnership, who are not active in a dealership may designate a manager to attend. If that manager leaves the dealership, another manager or employee must complete the dealership's annual education requirements prior to renewal. Franchised dealers are exempt.

8.5.2 Application Process

The dealer's license application is available from the Dealer Team, an MVI, or on the web at <http://www.itd.idaho.gov/dmv/>, Vehicle Services, Forms.

All persons wishing to be licensed as a vehicle/vessel dealer shall complete an [ITD-3170, Application for Vehicle or Vessel Dealer License](#), with notarized signatures of all the owners/officers. The completed application shall be submitted with the correct fees for application, plates ordered, and Idaho Consumer Asset Recovery (ICAR) Fund payment to the Dealer Team in Boise for processing. Minor applicants are not allowed to apply for a dealer license. If a minor is a stock holder or a limited partner, they can be listed on corporate minutes or LLP, but they will not be listed on the license.

8.5.3 Application Accompanying Documents

- Franchise letter (new vehicle dealerships only): required for each make of new vehicle the dealer wishes to sell. The letter shall stipulate the location where the dealer is franchised to sell from. No other dealer within a ten mile radius may hold the same franchise.
 - If a new vehicle dealer franchise is canceled or lost, a used vehicle license can then be issued. If the dealer carries multiple product lines and only one franchise is to be removed, the dealer needs to notify ITD immediately in writing and submit \$18.00 to have the license reprinted showing the change. When a new vehicle dealer adds additional franchises, a franchise authorization and a fee of \$18.00 must be sent to the Dealer Team to update and reprint the dealer license.
- Corporate filing: For corporations, proof of Corporate, LLC, or LLP status from the Secretary of State's office and the minutes of the corporation naming all the officers/members
- Proof of Fictitious or Assumed Business Name filing recorded at the Secretary of State's office. ITD may reject a proposed dealership for licensing if the trade name shown on the dealer's license application is the same or deceptively similar to that of any other dealership lawfully licensed and doing business in Idaho.

- For an applicant that owns multiple dealerships, ITD may be able to authorize the use of the same name for each separate license if all the owners are exactly the same on both or all dealerships which are licensed using the same name, the dealerships all have individual dealership licenses (separate dealer numbers) if they do not qualify as supplemental lots of each other, and the addresses of the dealerships are different on the license and on the signage for the dealership.
- A letter of zoning approval or signature by zoning on the dealer application from the city or county agency having jurisdiction over the dealer's proposed location of business. The letter must state that the location is zoned to allow the sale and display of vehicles for which the dealer will be licensed or the zoning authorization on the dealer's license application must be signed by the local zoning office.
- A \$20,000 bond for new or used vehicles/vessels or a \$10,000 bond for new or used motorcycles, snowmobiles, or all-terrain vehicles. The bond can be in the form of cash, Certificate of Deposit, or surety bond. A bond can be obtained through any insurance agency that deals in surety bonds or the New/Used Car Dealer Associations can recommend available bonding companies. This bond is in addition to fees for the Idaho Consumer Asset Recovery (ICAR) Fund, and must be maintained continuously for the first three years of licensing. Effective 1 July 2014, any dealer who has been licensed and held a commercial bond for an uninterrupted continuous period of 3 or more years may drop their commercial bond.
- A \$40,000 bond is required for all wholesale dealers. Wholesale dealerships are not eligible for ICAR coverage and may not be dropped after 3 years of holding a bond without successful claims against it.
 - A bond is obtained for the consumer's protection. If a person suffers a loss or damage by reason of any fraud, fraudulent representation made to him by a dealer (or one of the dealer's salespersons acting on behalf of the dealer), or a violation of any of the provisions of [Idaho Code, Title 49, Chapter 16 \(Dealer Act\)](#), that person has a right to make a claim against the bond for the amount of the loss after a judgment is issued in civil or criminal court. Some bonding companies do not require a judgment for the bond to be paid to a customer who has been harmed by a dealer. Consumers who feel they have a valid bond claim should petition the bonding company first before attempting litigation. The bond company, bond number and contact information for the company are all considered public information and can be provided by the Dealer Licensing team. A bond rider will be required if the owner removed from the license has signed off on the original bond. If a remaining owner is the one who signed off on the bond, a new rider is not required
- An Idaho Seller's Permit Number. Contact the Tax Commission for the application.
- Certificate of Liability Insurance - Minimum requirements are \$25,000 bodily injury to one person, \$50,000 for two or more persons, and \$15,000 property damage for any dealer or manufacturer. The certificate must include dealership name and address, effective and expiration dates, signature of insurance agent, and amounts. The certificate needs to be issued

with “any auto” marked in the vehicle liability section (not garage policy) or state that it is in compliance with [Idaho Code 49-1608A](#).

- Some exemptions may apply if the dealer sells only off road vehicles, trailers, or vessels and the dealer has no dealer plates. The dealer must sign a statement to this effect.
- A \$65,000 cash bond may be obtained from a commercial liability insurance bonding company in lieu of a commercial insurance policy. This can be submitted to the Department of Insurance and they will issue a waiver for liability insurance.
- A business EIN (Employer Identification Number). If you are not required to have an EIN submit form [ITD-3823, Certification of No EIN](#), which certifies you have no EIN and are not required to have one by federal law.
- Personal histories on an [ITD-3171, Personal History and Application for Salespersons](#), for all owners, officers, and salespersons. All officers of a corporation must be listed on the license, including out-of-state officers. Out-of-state officers are not required to carry an ID card unless they are driving with dealer plates or are actively participating in the dealership business. However, in this case they must notify ITD in writing that they are an inactive dealer.

A person must be listed on the license to obtain a dealer picture ID card.
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8.6. CHANGES TO DEALERSHIP LICENSE

8.6.1 Dealership Name Change

When changing the business name, a dealer must complete an application, obtain a bond rider for the new name, update seller’s permit number with the Tax Commission, and record the new name with the Secretary of State. An \$18.00 fee will be charged for the duplication of the dealer's license and \$10.00 for each dealer picture ID card. An investigator will be assigned to inspect the sign change.

8.6.2 Dealership Change of Ownership

To give up interest in a dealership, a letter from the owner releasing his interest and a bond rider removing his name from the bond is submitted to ITD. If the person is an officer of a corporation and will no longer be an officer, a copy of the minutes removing or adding officers is needed. If there is no change of the corporate name, the bond does not need to be updated. There is an \$18.00 fee to reprint the license. The person must also relinquish their dealer ID card to the department.

To add a new owner to an existing dealership, a notarized application (signed by all or a majority of the owners including the new owner) is submitted to ITD. Also, a bond rider listing all the owners must be submitted. If the dealership is a corporation, minutes documenting the change in officers are required. There is an \$18.00 fee to reprint the license.

8.6.3 Location Changes

To change locations a dealership must submit an application form showing the new address, along with a current certificate of liability insurance, a bond rider for the new location, a letter of zoning for the new address and \$44 in fees. Upon receipt of a complete application, the Dealer Team will notify the MVI, who will perform an inspection of the new location. A temporary license may be issued if the investigator inspection is delayed.

8.6.4 Permanent Supplemental Lot

A permanent supplemental lot must meet the same physical requirements as the PPB (see Section 8.2), except the business records of the dealership may be maintained at the PPB. To license a permanent supplemental lot, an application form ([ITD 3170](#)) must be sent to the Dealer Team in Boise with a letter of zoning, a certificate of liability insurance, a bond rider showing the new address, and a \$44 fee. If new vehicles are to be sold at that location, a letter of franchise from the manufacturer is required showing that location's address. Permanent Supplemental lots may only be located in the same or adjacent counties as the PPB.

8.6.5 Temporary Supplemental Lot

A dealer must submit an application for the temporary supplemental lot sale ([ITD 3198](#)) by mail, e-mail, or fax to an MVI or the Dealer Team in Boise at least 5 days prior to the sale. If multiple dealers are participating together, EACH must complete an application. The fee is \$44.00 for one dealer or \$88.00 for two or more participating dealers. A franchised dealer's PPB must be in the same or adjoining county as the sale location. The adjacent county restriction shall not apply if the dealer holds the franchise for the location where temporary supplemental lot is located. Non-franchised dealers are permitted to temporarily display within a 175 mile radius of PPB.

The temporary location must be zoned for the sale of vehicles and authorization submitted with the application for the temporary supplemental sale. However, many zoning authorizations are already on file with ITD and do not need to be resubmitted.

If new vehicles are to be sold, a manufacturer's letter of franchise which includes product lines being displayed at the sale is required for the sale location. The licensed dealer may not infringe on another franchised dealer's area. The maximum length of a sale is ten days.

An out-of-state dealer can bring vehicles into Idaho and retail them with an Idaho dealer's sponsorship, providing the salesperson is licensed through the sponsoring dealership. Any out of state dealer who has no sponsoring Idaho dealer is prohibited from displaying their vehicles, although they are allowed to wholesale to Idaho dealers.

8.6.6 Casual Display

"Casual Display" is defined as the display of a vehicle or vessel at a location other than the location specified to the dealer on an Idaho Dealer's license and such vehicle or vessel is not offered for sale or exchange, but is "displayed" to gain association of the dealer's name and location with a particular make, model or type of vehicle or vessel.

A Casual Display should consist of no more than six vehicles or vessels at any given time or location, and should be limited to a maximum of 30 days. New vehicles and vessels should only be displayed if the displaying dealer holds the franchise rights for the location of the display and it does not infringe on the franchise rights of any other legally licensed dealer.

No representative of the dealership shall solicit sales at the location while the vehicle or vessel is being displayed. Monroney stickers, as required by federal law on new vehicles, shall not be considered as an "offer for sale or exchange" by the dealership. No other prices may be posted.

Casual Display privileges and guidelines will apply to licensed Idaho dealers only. A Casual Display should be reported to ITD in advance of the display. Dealer submits an [ITD-3932, Notification of Casual Display of a Vehicle](#).

Applications for Casual Display are approved by the DOPS. After approval, a copy is faxed to the local MVI.

MVIs have no basis for enforcement of casual display procedures, unless the dealer should have obtained a license for a temporary supplemental lot instead of casual display.

8.7 MANUFACTURER'S/DISTRIBUTOR'S LICENSE

- An *ITD-3603, Manufacturer Distributor Annual License*, is mandatory for any manufacturer making or distributing vehicles that require a title in Idaho. An office is required but a display area is not necessary because there are no retail sales. The documents required for an Idaho manufacturer's license are:
- An [*ITD-3172, Application for Vehicle or Vessel Manufacturer/Distributor License*](#)
- A sample of the MCO/MSO printed on safety paper meeting the requirements of ITD. The MCO must be approved by the DOPS.
- Proof of a fictitious or assumed business name filing from the Secretary of State's office if the business is not a corporation.
- A copy of the Certificate of Incorporation from the Secretary of State's office and the minutes of the corporation naming all the officers if the business is a corporation.
- Certificate of Liability Insurance – Minimum \$25,000 bodily injury for one person, \$50,000 for two or more persons, \$15,000 property damage.
- Documentation showing the proposed assigned 17 digit VIN configuration from the Society of Automotive Engineers, 400 Commonwealth Ave., Warrendale, PA 15096; phone (877) 606-7323; www.sae.org.
- \$190 dealer application fee

Manufacturers of the following are required to be licensed:

- Trailers over 2,000 pounds
- RVs, including van conversions
- Tent and travel trailers
- Any vehicle that requires an Idaho title other than mobile homes
- Second-stage manufacturers that convert incomplete vehicles such as tank trucks, ambulances, and special mobile equipment

8.7.1 Out-of-State (Foreign) Manufacturer/Distributor

An out-of-state (foreign) manufacturer of vehicles that require an Idaho title must be licensed through ITD before distributing the product in Idaho.

A distributor's license allows for the sale and distribution of vehicles that require an Idaho title to franchised dealers within Idaho, including parts and accessories. The license authorizes a distributor to operate for the manufacturer under the out-of-state manufacturer's plates. A distributor must license separately for each manufactured product being distributed. The product may have several lines.

In order for an out-of-state manufacturer to distribute and franchise vehicles in Idaho, the applicant must apply for a license on an [*ITD-3188, Application for Out-of-State Distributor License*](#) and provide ITD with:

- A sample of the Manufacturer's Certificate of Origin
- The name or names of the vehicles to be franchised
- The name or names of the factory representatives who will service franchised dealers in Idaho

- A letter of authorization or franchise from the manufacturer designating the applicant as a distributor
- Fees of \$175 for the license and \$44 for each representative

Since manufacturers of Chinese motorcycles & off-road vehicles are not regulated by the federal government, we require a copy of the MCO or MSO and a letter from the manufacturer to the distributor authorizing the vehicle sales.

8.7.2 Factory Representatives

A factory representative is allowed to contact authorized dealers for the purpose of making or promoting sales of vehicles, parts, or accessories and is authorized by an out-of-state manufacturer to operate under the manufacturer's plates.

The initial factory representative's/distributor's application for a license shall be made on an [ITD-3188, Application for Out-of-State Distributor License](#), and shall provide ITD with:

- The name of the applicant representative.
- Social Security Number.
- Date of Birth.
- The geographical area for which the representative will be responsible.
- The name or names of the products represented.
- The address of the licensed branch if factory representatives of additional branches of the distributor are all licensed under one branch. (It is the distributor's responsibility to disperse the representatives' licenses to the proper branches.)

If a manufacturer has factory branches in different states, one distributor license must be obtained for each state requesting representative licenses.

8.8 AUCTIONS

An auction may or may not be required to license as a dealer while operating in the state of Idaho. The applicability of a license requirement will depend upon the specific activity that the auction is involved in regarding the sale of the vehicle. Dealer-licensing requirements are based on Sections [49-105\(1\)](#) and [49-1601](#), Idaho Code, and [IDAPA Administrative Rule 39.02.02](#).

8.8.1 AUCTION ACTIVITIES THAT REQUIRE A DEALER LICENSE

- Providing an auction service for the sale or exchange of a vehicle/vessel not titled in the name of entity offering the vehicle for auction or in the name of the auction company
- Offering at auction five or more vehicles/vessels titled in the name of the auction company or any entity during any calendar year

8.8.2 AUCTION ACTIVITIES THAT DO NOT REQUIRE A DEALER LICENSE

- Offering at auction less than five vehicles/vessels titled in the name of the auction company in a calendar year

- Providing an auction service during any calendar year for the sale or exchange of less than five vehicles/vessels that are titled in the name of the entity offering the vehicles/vessels for auction
- Providing an auction service for a licensed Idaho dealer

8.9 LICENSE FEES

Vehicle/Vessel Dealer's License.....	\$190.00
Vehicle Salesman's/Dealer Identification Card License	* \$26.00
Vehicle Salesman Sponsoring Dealer Change	\$26.00
Motorcycle, ATV, Snow machine Dealer	\$190.00
Manufacturer's License	\$190.00
Distributor's License	\$175.00
Factory Representative's License	\$44.00
Duplicate of Licenses	\$18.00
Supplemental Lot License.....	\$44.00
Temporary Supplemental Lot or Off-Site License for One Dealer.....	\$44.00
Temporary Supplemental Lot for Two or More Dealers	\$88.00
Renewal for Dealership License.....	\$175.00
Dealer Plates (each including \$2 mailing fee, \$3 ISP).....	\$20.00
Dealer Laden Plates	\$152.65
Dealer Plate Renewal	\$15.00
ICAR Fund	**\$300.00

Only one fee is collected for each application that has more than one type of dealership, such as selling used cars and motorcycles, at one location. The fee would be \$190.00 for the initial application and \$175.00 for the renewal.

*Additional \$10.00 due when picture is taken. ** Subject to annual evaluation.

8.10 DEALER INSPECTION

Upon receipt of a complete application, the dealer team will notify the MVI, who will perform an inspection of the new location. When the request for inspection has been received, the investigator shall make an appointment with the applicant to inspect the premises. The investigator shall confirm, by inspection, that the dealership meets all PPB requirements.

The investigator should provide a new dealer's handbook or CD as well as a titles handbook or CD to the applicant and review the required training elements. Upon inspecting the dealership, the investigator shall fill out an [ITD-3877, Inspection for Dealer License](#), and submit digital photographs of the sign and the PPB with the yellow copy of the completed inspection form to the DOPS. The dealer receives the originally signed white copy of the completed [ITD-3877](#) and the MVI retains the pink copy.

The MVI will perform a 30 day audit utilizing the [ITD 3835, Dealer Audit Report](#). The investigator will also conduct a full audit of the new dealer around 90 days from the issuance of the new dealer license.

8.11 DEALER AUDITS

The MVI shall perform dealer audits of dealership records and Principle Place of Business requirements as needed to support the general compliance of the dealership industry.

Audits are generally divided into three categories: scheduled 30 and 90 day audits, random audits, and for cause audits.

- Scheduled 30 day and 60 day audits are primarily used as a check on learning for a new dealership following their initial inspection. They provide an opportunity for the dealership to present recent sales to the investigator and learn a good foundation of business practices that align with the department's requirements. As these are scheduled during the Initial inspection there is no requirement to notify the dealership prior to the audit.
- Random document audits are conducted as a spot check for an investigators district. They are primarily for dealerships who do not have outstanding issues with the department and who otherwise under normal operations would not be seen by an investigator for an extended period of time. Random audits do require a minimum of three days' notice to the dealership IAW IDAPA 39.02.03.
- "For Cause" audits are conducted when issues at a dealership have been identified and further investigation is required. For cause audits are used to identify and address violations of code or rule as well as for investigative purposes. For cause audits do not require the investigator to give any notice to a dealership prior to initiating the audit.

Research on the vehicle services database is done prior to the audit to determine the title applications forms issued, title filing time compliance, missing forms, plates issued, 30 day temporary registrations issued, salespersons licensed to the dealership, etc. It is recommended that the MVI utilize a spreadsheet documenting each *ITD-502, Report of Sale and Application for Title*, issued to the dealer and recording the sale dates and date of submission to the DMV.

Audits w/ franchise or corporate sub

Audits on dealerships involving a franchise or corporate substitute should involve mailing of the audit letter to both the physical location and the corporate mailing address. For the physical location either address the letter as "Attn: General Manager" or the name of the corporate substitute if listed on their dealership license. The mailing address does not need to address to an individual.

In the event of an enforcement action being taken against dealership where there is a corporate sub or an inactive dealer the MVI will need to inform the dealer principle of the issues that have been discovered. Corporate substitutes can sign for DNCW issued by a MVI but citations must be issued in person by an MVI to the licensed owner of a dealership.

Random Audits

The MVI shall use an [*ITD-3835, Dealer Audit Report*](#), while performing the audit. The audit shall consist of the following:

- Verify that all PPB requirements, including office hours, are maintained. Include photos if no photos are included in dealer file.
- Verify that copies of title application forms are accounted for, and filed in a manner that allows for accountability of controlled documents.
- Verify that all title applications are filed with the DMV within 30 days of sale

- Verify 100% accountability for and proper use of 30-day temporary registration permits issued in the last year (if applicable)
- Verify all plates assigned to the dealership are accounted for and logs recording usage are properly maintained
- Spot check the dealer's files to assure copies of correctly documented odometer disclosures, titles, purchase orders, etc., are being properly retained
- Check the salesman/dealer picture ID card of each dealer and salesman on duty at the time of the audit
- Spot check the vehicles being offered for sale to make sure the dealer has a title or purchase order, or a consignment agreement with copy of title, as well as correctly documented odometer disclosures, on hand for each
- Annotate name of flooring company (if applicable)
- Confirm all previous liens on trade in vehicles are paid within 10 days
- Review any consumer complaints against the dealership
- Discuss any exception letters that the dealership may need help resolving
- Other documents may be audited in a for cause audit

Upon completion of the audit, the dealer shall sign the [ITD-3835, Dealer Audit Report](#), and receive the pink copy of the form. The yellow copy goes to the Dealer Team, and the MVI retains the original.

For random audits the Investigator should keep the intrusion into the business as minimal as possible. In the event that a violation is found such violations should be addressed and documented with the minimal amount of interference with the dealership's business required to complete the audit effectively.

“For Cause” Audits

For cause audits are a useful tool in investigating a dealership that is in violation and to encourage such dealerships to come into compliance. For cause audits do not require prior notification to the dealership but consideration as to the size of the dealership should be taken. A large dealership will require a significant amount of time in order to conduct an effective “for cause” audit. MVIs can request assistance from other MVIs in the state if needed. While a “For Cause” audit follows the same general structure as a random or scheduled audit an investigator should consider an audit for cause to be an enforcement measure against a dealership as opposed to an educational opportunity.

- TODs filed by dealership examined
- Verify 100% accountability for and proper use of 30-day temporary registration permits issued in last 3 years (if applicable)
- Verify 100% accountability of all title application forms issued to the dealership in the last 3 years.
- Inspect a minimum of 20% of previous years deal files for required documents.

- Verify 100% accountability of controlled documents
- Customer registrations without titles recorded in ITD system discussed
- Do not hesitate to issue an initial DNCW for ANY violation discovered during an audit.

8.12 RECORD KEEPING AND FORMS REQUIREMENTS

All dealers are required to keep the following records at the PPB for the current license year plus the two preceding years, unless notice has been given to ITD in writing at least 30 days prior to offsite storage. All offsite records must be made available within 3 days upon request by the department. These documents are all subject to audit:

- Sales invoices/purchase orders
- Purchase and sales records
- Odometer statements (incoming and outgoing) (on correct documents)
- Title application forms filed in numerical order
- Written logs of dealer plate use for both dealer and loaner plates
- Consignment agreements meeting *Idaho Code* requirements
- Thirty-day temporary registrations

Secure Powers of Attorney must be kept for five years with a copy of the title front and back.

A dealer's records must be open for inspection to an authorized agent of ITD or any peace officer for immediate inspection if there is cause or a complaint, or within three business days if records are stored at an approved off-site location for random audits or reviews. [IDAPA 39.02.03.010.01](#) and [39.02.03.100.01](#).

A log of dealer plates and loaner plates containing all required fields must be maintained and must be available for inspection by any peace officer or authorized agent of ITD. [IC 49-1627\(6\)](#), [49-1628\(1\)](#), [IDAPA 39.02.03.010\(d,e\)](#), [39.02.60.152.03](#)

Secure Powers of Attorney, Buyer's Guides, and Dealer consignment forms as well as other various forms for dealers can be obtained from either organization listed below:

- Idaho Automobile Dealer Association (IADA) , 4980 State Street, Suite 103, Boise, ID 83703 [phone (208) 853-4668] or at www.idahoada.org
- Used Vehicle Dealer Association (ISIADA), PO BOX 4787 Boise, ID 83711 [phone (208) 463-7709 or 1-800-950-8227] or at www.isiada.com

Local county assessors or the Idaho State Tax Commission have tax exemption forms. They are also available on the internet at <http://tax.idaho.gov/>. The county also has most ITD forms for use with titling.

When a vehicle is sold to an Idaho resident, an *ITD-502, Report of Sale and Application for Title*, must be completed. Title applications are to be either sent in to the local DMV for processing or send via certified mail to the central dealer title processing center located at. These form shall be accompanied with a title transmittal form (ITD [form 3204](#) or [ITD 3203](#)) I.A.W. I.C. 49-1608.

Title application forms are issued to a dealership following a passing initial inspection and during each yearly renewal of a dealer's license. At renewal a dealership is issued a number of title applications equal to the last years in state sales + 10%. Larger volume dealerships will be issued title application batches in intervals of 250, 500, 750 or 1,000.

30 day temporary registrations must be purchased through the dealer team in Boise, and the control numbers for those documents may be accessed on the TD3i screen prior to performing the audit.

8.13 DEALER, LOANER, & LADEN VEHICLE PLATES

8.13.1 Definitions

- The term "manufacturer" shall include a distributor, factory representative, factory branch, distributor branch, and distributor representative [[IC 49-114\(4\)](#)]
- The term "dealer" shall include a new or used trailer, motor vehicle, motorcycle, ATV, UTV, snowmobile, vessel, motor scooter, truck camper, or recreational vehicle dealer [[IC 49-105\(1\)](#)]
- The term "furtherance of business" shall mean any lawful use of a dealer or loaner plate by an authorized employee of a dealership to move a vehicle to be sold, repaired, or transferred from one location to another ([IDAPA 39.02.60.010.02](#))
- The term "authorized employee" shall mean any non-salesperson or employee who is paid compensation for a minimum of thirty (30) hours each week, and appears on the records of the employer as an employee for which social security, income tax, and all deductions required by law have been made ([IDAPA 39.02.60.010.01](#))

8.13.2 Obtaining Dealer Plates

To order dealer plates or laden dealer plates, a dealer completes an [ITD-3635, Dealer Plate Order](#), and submits it to ITD along with the required fees according to the fee chart in Section 8.7.

To order loaner plates, a dealer completes an [ITD-3169, Loaner Plate Order/Renewal](#), and submits it to ITD with the required fees according to the fee chart in Section 8.7.

Dealers are limited to two (2) plates for the first twenty (20) sales and one plate for each additional ten (10) sales. This includes retail, wholesale and out of state resident sales. Any initial application will estimate number of sales expected the first year. ITD will audit dealer sales to verify sales records.

An [ITD-3186, Temporary Dealer Plate](#), can be issued until a permanent dealer's license is approved and shall be issued for all classes of dealers until metal plates are secured as requested. Temporary plates can only be issued for 90 days or less.

If dealer plates are lost or stolen, the dealer should notify law enforcement first and then notify, in writing, the ITD Dealer Team so the database can be updated to identify the plates as lost or stolen. If they are to be replaced, the dealer must send ITD a written request for the number of plates needed along with the prescribed \$20.00 fee for each plate.

When a lost plate is found, the dealer should notify the ITD Dealer Team in writing so the database can be updated and the plate status reinstated as valid. If it was reported to the police as stolen the dealer must provide a copy of the police report to ITD.

8.13.3 Use of Dealer Plates

Dealer plates are designed only for a dealer's use or for the furtherance of the dealer's business.

Dealer plates may be used on vehicles operated by the dealer or his licensed salesman in connection with the dealer's business.

Identification is to be carried when operating a vehicle with a dealer plate. Registrations are not issued for dealer plates. Dealers, manufacturers, salesmen, and factory representatives must carry their state issued dealer/salesman identification card when operating a vehicle with a dealer plate. Operators must have a valid driver's license and must carry proof of liability insurance in accordance with [Idaho Code 49-1608A](#) when used on any public roads. The use must be limited to normal business hours unless the operator is in possession of a letter from the dealer listing the specific reason for the after-hour use.

Restricted vehicle dealer plates are to be used on off-highway vehicles (ATVs, UTVs, Motorbikes). [Idaho Code 49-1627](#) provides for the display of these plates in lieu of registrations by persons licensed under vehicle dealer law. Idaho Parks & Recreation has waived the off road registration requirement for dealer plate use.

Non-licensed employees of a dealership may operate a vehicle held in stock for sale displaying a dealer plate when transferring the vehicle to and from repair facilities, detailers, etc. The operator must have written authorization from the dealership in his possession authorizing transit. The authorization is for normal business hours only. A letter from the dealer listing the specific reasons for operation of the vehicle is required for after-hour operations.

An auto detailer cannot buy dealer plates. However, the dealer may allow the auto detailer to use a dealer plate to transport a vehicle to his place of business with written permission from the dealer to use the plate and the hours of use.

8.13.3.1 Personal Use Requirements of Dealer Plates

Vehicle dealers, full-time salespersons, manufacturers, distributors, and factory representatives may use dealer plates for personal use on vehicles in the dealer's inventory for sale when carrying a picture ID card issued by the Dealer Team that identifies the cardholder. The plate must be assigned to the dealership which is owned by or which employs the driver.

Dealer plates may not be displayed on vehicles that are being used for personal reasons when:

- Operated by a part-time salesperson
- Operated by a wholesale dealer
- Operated by an unlicensed employee of the business
- Operated by a family member of a licensee, unless that person is licensed as a full-time salesperson or the owner of the business

8.13.3.2 Dealer Plate Restrictions and Unlawful Use

A manufacturer shall not display manufacturer plates on vehicle types other than those manufactured by the manufacturer.

A motorcycle/ATV/snow machine dealer shall not display motorcycle dealer plates on other vehicle types nor on a new vehicle for which he is not franchised.

A new motor vehicle dealer shall not display new motor vehicle dealer plates on new vehicles they are not franchised to sell.

Dealer plates may not be used by licensed dealers on the following vehicles:

- Work and service vehicles not held in stock for sale
- Leased and rented vehicles owned by the licensee
- Vehicles used in the furtherance of another business
- Laden vehicles designed for transporting cargo, unless dealer complies with [Idaho Code 49-434](#)
- Vehicles operated by prospective purchasers after normal business hours, unless a letter of authorization was issued
- Vehicles that have been sold
- Vehicles owned by a licensed wholesaler for personal use

8.13.4 Use of Dealer Laden Plates

Dealer and manufacturer laden vehicle plates are for use by dealers and manufacturers operating vehicles with loads in furtherance of their dealership business in accordance with [Idaho Code 49-1627\(5\)](#). The operating fee for a laden dealer or manufacturer plate will be equal to the fees for commercial vehicles for twenty–six thousand (26,000) pounds. Registrations are issued for dealer laden vehicle plates.

Laden dealer and manufacturer plates may be displayed on any power unit in the dealer’s or manufacturer’s inventory to operate vehicles laden with vehicles that are in the dealer’s or manufacturer’s inventory in pursuance of the dealer’s or manufacturer’s business. Such use shall be limited to:

- Moving vehicles from a manufacturer to a dealer
- Moving vehicles from dealership to dealership
- Moving vehicles to off-site locations in furtherance of the dealer’s business
- Moving vehicles to licensed temporary supplemental lot locations
- Moving vehicles to and from auctions
- Moving vehicles to a new licensed location

8.13.4.1 Unlawful Use of Laden Vehicle Plates

Laden vehicle plates may not be used by licensed dealers on the following vehicles:

- For personal use by the dealer or manufacturer or any salesman or unlicensed employee of the dealership
- On any vehicle over twenty–six thousand (26,000) pounds combined gross vehicle weight unless they have obtained a temporary weight increase permit pursuant to [Idaho Code 49-432\(2\)](#)
- On any vehicle not in the dealer inventory

8.13.5 Use of Dealer Loaner Plates

A loaner plate is issued to dealers by the Dealer Team to allow customers of the dealership to use a car in their sale inventory while the customer's vehicle is being repaired. The dealer must issue a document

to the customer authorizing the use of the loaner plate that gives the customer's name, dealership's name, number of the plate, date(s) of the authorized use, and includes the dealer's signature.

Loaner plates may be displayed on vehicles:

- Held in stock for sale by a dealer
- Loaned to a customer while his vehicle is being repaired
- Donated for a civic event, charitable events (Proof of liability insurance and a letter authorizing the use of the plate and car must be included along with the valid dates of use. See the [Vehicle Services Manual, Section 2.23.1](#) for a list of approved civic events.) Maximum time the plate may be loaned for these events is 30 days ([Idaho Administrative Rule 39.02.60/152](#)). If a dealer does not have enough loaner plates the dealer can contact the ITD dealer team and be authorized to use 30 day temporary registration permits
- Operated by the dealer or the dealer's family for dealership or personal use

The operator of a vehicle displaying a loaner plate must be able to present a dealer/ salesperson picture ID card or a letter of authorization from the dealership to a peace officer or MVI upon request. Registrations are also issued for loaner plates.

Plate numbers cannot be selected by the dealer, but are issued in numerical sequence. Loaner plates have six characters: The first three are alpha beginning with "L" and the last three are numeric. A vehicle dealer's series is LAA 001 through LZZ 999.

8.13.5.1 Unlawful Use of Loaner Plates

Loaner plates may not be used by dealerships on vehicles:

- Not held in stock for sale
- On consignment to a dealer
- Leased or rented to a customer
- Used in furtherance of another business
- Operated for personal use by a licensed salesperson, salesperson's family, or other employees of the dealership
- Designed for transporting cargo, unless dealer complies with [Idaho Code 49-434](#)
- That have been sold
- For which the dealer does not have legal ownership
- Vehicles being operated by an actual purchaser

8.13.6 Vehicles Loaned to Universities or Coaches

Neither a dealer nor loaner plate may be used on a vehicle that is loaned to university or college coaches or other personnel. The dealer may lease the vehicle to a coach/university by titling and registering the vehicle. Use tax on the fair market monthly rental value must be paid by the dealer on their monthly tax report.

8.14 THIRTY-DAY TEMPORARY REGISTRATIONS

An *ITD-3520, 30-Day Temporary Registration*, allows a dealer to sell a temporary registration on a vehicle the dealership is selling to an out of state resident and permits the customer to drive for up to 30 days in Idaho to reach their state. Dealers are prohibited from selling 30 day temporary registrations to Idaho residents or on vehicles being titled in Idaho. The cost to the dealer for a book of 20 registrations is \$180. No formal agreement with other states to accept this registration has been made, however they may be accepted. The customer needs to contact other states for their requirements of unlicensed vehicle movement.

A dealer can order books of 20 registrations from Dealer Licensing in Boise (the only location selling them) using an [*ITD-3763, 30-Day Temporary Registration Permits Application*](#). The order is mailed to the dealership.

30-day temporary registrations are accountable documents, and the dealer must keep the yellow copies of the registrations available for audit for the current year plus the two previous years.

A manufacturer may sell a 30-day temporary on a sold vehicle or trailer for a transporter to use to deliver the vehicle to the out of state dealer.

Issuance records of these registrations are data entered on the mainframe on TD30 and may be accessed on the inquiry screen TD3i. Fees for unused thirty day temporary registrations may be refunded when the dealership closes their business permanently IAW [*IDAPA 39.02.02 \(301\)*](#).

8.15 RECIPROCITY AGREEMENTS

A reciprocity agreement is an agreement reached between two states covering the use of dealer plates displayed on vehicles.

8.15.1 Agreement Between Idaho and Arizona

Vehicles must be owned by the manufacturer or dealer who made application for and was assigned the dealer plate.

Permitted dealer plate usage:

- Business and pleasure trips
- Delivery and tow-away service

Not permitted use of dealer plate:

- Work or service vehicles owned by the manufacturer or dealer
- Vehicles used for soliciting or demonstrating

8.15.2 Agreement Between Idaho and Montana

Vehicles operated by a currently licensed dealer displaying valid dealer plates on each vehicle may be used for:

- Business purposes only when no soliciting, demonstrating, or selling is involved (not including vehicles for which the dealer is the lessor)
- Tow-away service

8.15.3 Agreement Between Idaho and Oregon

Dealer plates displayed on any vehicle owned by a dealer will be recognized, except for:

- Work and service vehicles owned by the dealer, including vehicle transporters and pilot cars

- Vehicles privately owned by the owners, corporate officers, or employees of the dealership
- Vehicles leased or rented by the dealer
- Vehicles used for soliciting, demonstrating, or selling
- Vehicles domiciled in the other state

8.15.4 Agreement Between Idaho and Utah

Motor vehicles, trailers, and semi-trailers owned, operated, and licensed by properly registered dealers shall be accorded full license fee reciprocity when used for business purposes only.

No dealer may make delivery on a sale or solicit or demonstrate vehicles in the other state, unless the vehicle being delivered or used to solicit or demonstrate is actually licensed in the other state.

The agreement shall not be construed to constitute a waiver of any fees required to be paid on caravanning vehicles under the law of either state.

8.15.5 Agreement Between Idaho and Washington

Dealer plates displayed on any vehicle owned by a dealer will be recognized, except for:

- Work and service vehicles owned by the dealer, including vehicle transporters and pilot cars
- Vehicles privately owned by the owners, corporate officers, or employees of the dealership
- Vehicles leased or rented by the dealer
- Vehicles used for soliciting, demonstrating, or selling
- Vehicles domiciled in the other state, unless assigned to a bona fide employee of a licensed dealer within 30 miles of the dealership location

8.15.6 Agreement Between Idaho and Wyoming

Motor vehicles, trailers, and semi-trailers owned, operated, and licensed by properly registered dealers shall be accorded full license fee reciprocity when used in accordance with each state's dealer laws.

The agreement shall not be construed to constitute a waiver of any fees required on caravanning vehicles under the law of either state.

8.16 SALESPERSONS

A salesperson is any employee, as described by the Internal Revenue Service, hired full-time or part-time to sell or solicit to sell vehicles in the dealer's inventory from a licensed location. When the salesman and dealer sign a salesman application, they are signing acknowledging the salesman as an employee. The dealer is responsible for meeting all the state and federal requirements for an employer.

Aliens from a foreign country can only be licensed if they qualify under a legal presence. They must present an authorization I-766, Permanent Resident Alien Identification Card or I-94 with any status except B1, B2, K1, Wt, or WB.

As of September, 2004, Idaho no longer issues salesperson licenses to anyone under the age of 18.

A license is required for any person who, for a salary, commission, or compensation of any kind, is employed directly or indirectly or regularly or occasionally by a new or used vehicle dealer or other licensee engaged to sell, purchase, exchange (or negotiate for the sale, purchase, or exchange) vehicles, motorcycles, snowmobiles, NEVS, ATVs, UTV's or boats.

All salesperson applicants must meet the Internal Revenue Service definition of an employee.

When a salesperson leaves the employ of a dealership, the dealership must notify ITD in writing that the salesperson is no longer employed, so the salesperson license will be cancelled.

8.17 IDENTIFICATION (ID) CARDS

Each dealer is required to carry a picture ID card and must complete an [ITD-3171, Personal History and Application for Salespersons](#) to apply for the ID card.

Each salesperson is required to carry a picture ID card. The dealer should complete a background check and have the new employee fill out an [ITD-3171](#). The dealer signs the application to certify the person is authorized to sell and qualifies as an employee.

To obtain a salesman/dealer picture ID card:

- The dealer submits the application with a \$26.00 fee for the 3-year licensing period for a salesperson

There is no application fee for a dealer/owner application.

- Once the application has been receipted in by the dealer team in Boise, the copy of the application serves as a 60-day temporary license to allow the salesperson time to obtain their ID card through the local Driver's License office
- The Dealer Team verifies the driver's license and social security number of the salesperson and verifies that all the information is correct. Examiner enters all information in database as pending. A postcard is mailed to the dealer giving notification that the information has been verified
- The salesperson/dealer takes the postcard with them to the driver's license office to have their picture taken and a pocket ID card created. There is an additional \$10.00 fee when the picture is taken. When the picture is taken at the driver's license office, the database at ITD is automatically updated to clear and date when picture was taken

To renew a salesman/dealer picture ID card, the applicant completes a new [ITD-3171](#), and sends it to ITD along with a \$26.00 fee. The process is identical to the first application.

Dealers/owners do not have an ID card renewal fee.

Non-licensed employees of a dealership are required to carry an employee ID card for authorized use of vehicles with dealer plates. [IDAPA 39.02.60.151.01\(a\)](#) To be considered authorized use a vehicle must be in the dealer inventory for sale when transferring vehicle to and from repair facilities, detailers, etc. Each card is required to have the following information:

- Employee's name
- Dealership's name
- Card issue date
- Dealer number
- Authorized signature

The card shall be presented upon request of any police officer or authorized agent of ITD. The card is valid as long as the salesperson is employed by the sponsoring dealer that signed the application form and as long as the sponsoring dealer holds a valid license.

8.18 VIOLATIONS AND PENALTIES

When a dealer is found to be in violation of [*Idaho Code, Title 49, Chapter 16 \(Dealer Act\)*](#), or any other enforceable code, an MVI shall perform enforcement in accordance with Section 6.

8.19 NEW VEHICLE DAMAGE

Damage exceeding 6% of the manufacturer's suggested retail price on new vehicles (excluding glass, tires, and bumpers) must be disclosed to the purchaser in writing prior to delivery.

8.20 FRANCHISE DISPUTES

Idaho Codes [*49-1613*](#), [*49-1614*](#), [*49-1615*](#), [*49-1616*](#), and [*49-1617*](#) deal with disputes between a manufacturer and a new vehicle dealer.

Idaho Code stipulates that a hearing be held by ITD when disputes occur:

- For disputes between a manufacturer and a new vehicle dealer, a \$2,000 bond must be posted with ITD at the expense of the dealer or manufacturer
- For franchise dispute hearings, [*IDAPA Rule 39.02.04*](#) require the party filing the action and requesting the hearing to post a \$2,000 bond with ITD

The \$2,000 bond will be used to pay ITD's costs for the hearing:

- If the total costs are less than \$2,000, the balance will be refunded
- If the total costs are greater than \$2,000, the requesting party shall be billed for the difference

8.21 DEALERSHIP CLOSURES AND BUY-OUTS

When a dealer decides to either sell his business, close his business or the dealer no longer fulfills the requirements of an Idaho dealership, the established procedures should be followed:

- In the case of closure or No Principle Place suspension, Dealer Licensing will mail a letter either canceling or suspending the dealer license. This letter will be copied to the MVI who is responsible for the dealership.
- The MVI will contact the dealer to collect all unused 502 forms, dealer plates, dealer pocket identification cards, 30 day temporary books, and wall license. MVIs will notify the dealer that all plates, IDs, and license will be cancelled and invalid if used. MVIs will notify dealer that fees for 30 day temporary registrations will be refunded. The 502s that are collected by the MVI may be sent to ITD for disposal or reissue to an MVI or dealership.
- If the dealership is a buy-out and the dealership name and dealer number will remain exactly the same, the MVI will only collect the wall license and picture ID for previous owners. The plates, 502s, and 30 day temporaries are issued specifically to the dealership name. If the dealership name changes the unused 502s may be documented and reassigned to the new dealership.
- Unsold inventory to be sold later by the out of business dealership must be either sold or titled in the dealership name within 30 days. No sales tax is due unless the vehicles are registered or titled in the dealer's personal name. Even if an out of business dealer wants to consign the

vehicles to another dealer they need to title in the dealership name first. The MVI may assist the dealer in completing this process.

- MVI will obtain contact information, if possible, to include cell phone, new address, etc. This information will be added to the dealer license database for retrieval if needed to.

8.22 BOND PROCESS

An applicant has two options for obtaining a bond:

1. A bond can be obtained from a bonding company. A sample bond form is included in the [ITD-3170, Application for Vehicle or Vessel Dealer License](#).
2. A bond can be in the form of a cash bond or a Certificate of Deposit (CD). (See appendix 8)

The cost of a bond varies among insurance companies. The dealer must contact an insurance company regarding charges. The bond must be continuously valid for the first three years the dealer is in operation. There is a five-year statute of limitations on claims. A bond can be fully released after the five-year period. Therefore, a cash bond and CD must be held for five years following the last date the bond was in force.

When a cancellation notice of a bond is received by mail from a surety company, the Dealer Team will mark the record as BDC with an 'active date.' The bond must be reinstated before the active date or the dealer's license will be suspended. If a bond should lapse or be canceled, the Dealer Team shall notify the dealer in writing by certified mail, requiring a bond be in place on or before the effective date of the cancellation.

If the bond is not reinstated by the deadline, the license of the dealer shall be suspended until such time as a bond is secured. The MVI shall be notified of all such bond suspensions and shall collect the dealer plates, wall license, dealer ID, and unused title applications. Idaho Code requires the department to immediately suspend any license and take possession of the license, all vehicle plates issued to the dealership, and all unused 502s. [IC 49-1608](#)

When a surety company issues a bond, the aggregate liability is limited to the amount of the bond, regardless of the number of years the bond shall remain in effect and regardless of the number of claims made against such bond.

A bond for the full \$40,000 for wholesale only, \$20,000 for vehicles and vessels or \$10,000 for motorcycles, ATV's, UTV's or snowmobiles must be kept in force for three years after initial licensure, after any break in bonding coverage, or after any bond claim in order to maintain the dealer's license. Therefore, if a bond is reduced, the applicant must produce a bond for the full \$40,000, \$20,000 or \$10,000 to remain in operation.

If a cash bond or Certificate of Deposit is reduced by a claim, the dealer must make the necessary deposits to reinstate the bond back to the full \$40,000, \$20,000/ \$10,000 balance.

8.22.1 Dealer Surety Bond

The bonding company must complete the bond form. The owner's name (or corporate name) and any assumed name must be listed exactly as shown on the dealer's license application. The dealership location must be listed under the owner's signature line and the owner must sign it. The surety company's representative must sign and have his signature notarized or a power of attorney appointing the representative as the surety company's attorney in fact must be attached. The appropriate bond amount must be listed for the type of dealership that will be covered.

All owners listed on the license must also be shown on the bond.
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8.22.2 Dealer Cash/CD Bond

As an alternative to obtaining a bond, a dealer may submit a CD that must be approved by the DOPS or a cash deposit in the amount required. The dealer should be warned that the CD or cash deposit will remain in the name of the Idaho Transportation Department for five years after a dealership goes out of business or obtains an alternative bond. (See appendix 8)

To procure bonding with a CD or cash, the applicant:

- Delivers the completed dealer's license application and cash/cashier's check or CD to the Dealer Team.
- Receives and reads the agreement of understanding indicating how the funds will be administered (see the next page for an example).
- Signs the CD allowing ITD access and control if the bond is in the form of a CD.

After the above CD or cash process has been completed, the Dealer Team:

- Forwards the bond funds to Administration (Financial Services) and sends a copy of the receipt to the applicant.

Upon receipt of cash funds, the Financial Services Section deposits the cash with the State Treasurer in a suspense **non-interest bearing** account.

Some banks may issue a CD that has no signature lines. This type of CD must be issued as sole beneficiary to Idaho Transportation and for the use of the dealership. This must be accompanied by a letter from the bank that states only ITD may sign to cash the CD. A printout of the bank computer screen reflecting this information must also be submitted.

Applicants intending to submit a CD should be informed that once a bond is no longer required (dealership closure or ICAR eligible) that the department will hold the bond for an additional 6 months after the return of the CD is requested by the dealership.

8.22.3 IDAHO CONSUMER ASSET RECOVERY (ICAR) FUND

The ICAR Fund serves in lieu of or as a supplement to a commercial bond for dealers. The ICAR Fund is funded by a fee paid by each dealership in an amount reviewed annually by ITD and the Dealer Advisory Board. New applicants will pay the ICAR Fund fee on application, then annually thereafter at renewal. Dealers licensed prior to the implementation of the ICAR Fund 1 July 2013 will pay annually at renewal.

The ICAR Fund will pay out against dealer bond claims filed by consumers. Dealers, flooring companies, and other financial agencies may not make bond claims against the ICAR Fund. Applicants for a bond claim must present a civil or criminal court judgment against the dealership. In cases of judgment, the fund will pay up to \$50,000 per individual claim, and \$120,000 aggregate for multiple claims.

When the fund has paid against a claim, the dealership will be given 30 days to reimburse the fund. Failure to do so will result in suspension of the dealership's license. The dealer will not be allowed to be licensed again as a dealer or salesperson until the bond fund is reimbursed. Should the dealer satisfy the requirements to reopen as a dealer, they will be required to obtain a commercial bond and carry that bond for three years as a condition of licensing.

Chapter 9 – MVI Manual

9.0 VEHICLES

9.1 DEFINITION

9.1.1 Vehicle Definitions

According to [Idaho Code 49-123 \(2\)](#) a vehicle is “every device in, upon, or by which any person or property is or may be transported or drawn upon a highway, excepting devices used exclusively upon stationary rails or tracks”.

A motor vehicle is “every vehicle which is self-propelled, and for the purpose of titling and registration meets federal motor vehicle safety standards as defined in section [49-107\(5\)](#), Idaho Code. Motor vehicle does not include vehicles moved solely by human power, electric personal assistive mobility devices and motorized wheelchairs or other such vehicles that are specifically exempt from titling or registration requirements under [title 49](#), Idaho Code.”

9.1.2 Federal Motor Vehicle Safety Standards (FMVSS) Definition

[Idaho Code 49-107\(5\)](#) defines Federal motor vehicle safety standards (FMVSS) as “those safety standards established by the national highway traffic safety administration, under [title 49](#) CFR part 500-599, for the safe construction and manufacturing of self-propelled motorized vehicles for operation on public highways. Such vehicles as originally designed and manufactured shall be so certified by the manufacturer to meet the federal motor vehicle safety standards or the standards in force for a given model year or as certified by the national highway traffic safety administration.

9.1.3 Definition of a Branded Vehicle

[IDAPA 39.02.07.400](#) defines a brand as “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.”

More than one brand may be assigned to the same vehicle, if applicable.

9.1.4 Definition of a Complete Vehicle

Complete Vehicle: A vehicle in which all major component parts are assembled and the vehicle is recognizable as the appropriate make and model. In addition there needs to be sufficient evidence that this vehicle is capable of being self-propelled by the presence of suspension and a power train.

MVIs can provide documentation and guidance for customer who are intending on selling or liquidating vehicles that are not complete. If a customer intends to sell a vehicle that does not meet the definition

of a complete vehicle a MVI can provide a MVI VIN Inspection form showing the VIN of the vehicle part and note in the comments section that the vehicle can be sold as parts on a bill of sale.

If a customer is requesting a VIN inspection by an MVI for future titling purposes the MVI should run the vehicle VIN through NMVITIS and provide the customer with either the state from which the vehicle was last titled or inform them that there were no results. In the event of no returns through NMVITIS the MVI should provide the customer with an Indemnifying Affidavit stating "No returns through NMVITIS" or similar official documentation of a MVI involvement in the vehicle. This action should be considered a courtesy to the customer and not a requirement.

9.1.5 Definition of Major Component Part

[Idaho Code 49-114](#) states that a "major component part" means a rear clip, cowl, frame or inner structure forward of the cowl, body, cab, front end assembly, front clip or such other part which is critical to the safety of the vehicle.

9.2 REQUIRED DOCUMENTATION

For all vehicles that will be branded, the MVI will complete a *Report of Sale and Application for Certificate of Title, ITD 0502* and an *ITD Motor Vehicle Investigator Report, ITD 3598*, or the authorized computer generated versions of these documents. The MVI will also ensure the customer provides all required documentation proving purchase/ownership of the vehicle and/or parts. The following vehicles will be branded according to the type of vehicle created [IDAPA 39.02.07](#).

9.3 SPECIALLY CONSTRUCTED (SPCN) VEHICLES

[Idaho Code 49-123\(2\)\(p\)](#) gives the definition of an SPCN as: "Every vehicle of a type required to be registered 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 and cannot be visually identified as a vehicle produced by a particular manufacturer." This includes:

- A vehicle that has been structurally modified so that it does not have the same appearance as a similar vehicle from the same manufacturer
- A vehicle that has been constructed entirely from homemade parts and materials not obtained from other vehicles
- A vehicle that has been constructed by using major component parts from one or more manufactured vehicles and cannot be identified as a specific make or model
- A vehicle constructed by the use of a custom kit that cannot be visually identified as a specific make or model
- A motorcycle constructed using a homemade or after-market frame

When titling SPCN vehicles use the Idaho Assigned VIN or the MSO Vin if the vehicle was built using a kit. If a donor vehicle is used and the VIN from the donor vehicle is visible record the donor VIN as the secondary VIN on the title.

9.3.1 SPCN VEHICLE INSPECTION PROCEDURES

The MVI shall physically inspect each SPCN vehicle requiring a title to determine:

- If there are any pre-existing identification numbers
- The description of the vehicle and its components
- If a brand other than SPCN is applicable
- If the vehicle meets requirements of Idaho Code title 49 chapter 9
- For trailers, if it meets weight requirements – weight slip required
- For ATVs & UTVs – wheelbase and width measurements, and for UTVs, a weight slip

[*IDAPA 39.02.07.100, Titling of Specially Constructed and Reconstructed Motor Vehicles*](#), lists the acceptable ownership documents for SPCN vehicles. It should be noted, however, that in some instances (such as homemade trailers) the applicant may state that some of the components have no receipts. In this situation, the MVI may allow the applicant to sign an indemnifying affidavit attesting to his claim of ownership. This affidavit may be used in lieu of the receipts. The MVI must use discretion as to what is acceptable. Without proper receipts, however, a vehicle or trailer less than 10 years of age may be bonded (see section 10.2).

9.4 ASSEMBLED VEHICLES

An assembled vehicle is defined in [*IDAPA 39.02.07.010.01*](#) as a vehicle which has been constructed using parts from two or more vehicles and has the appearance of a vehicle previously manufactured under a specific make and model, to include frame and/or cab changes.

If two or more titles exist for component parts (one for the frame and one for the cab and/or other parts, etc.) for a cab change, the title for the cab must be sent with the title application as the primary ownership document. The title (or a bill of sale for the frame with a copy of the title showing all liens are released) for the frame and/or other components is either surrendered or photocopied, depending on the situation:

- If the remainder of the vehicle (represented by the frame VIN) is not to be reused, the title must be surrendered with the application
- If the remainder of the vehicle is to be reused: (1) the original title must be marked "Frame Only" dated and signed, then returned to the applicant; (2) the marked title must be photocopied front and back and the photocopy submitted with the application
- On assembled vehicles with a cab or frame change, if known, the VIN, year, and make of the cab shall be used for identification purposes for the title. The applicant shall provide a title, salvage certificate, or salvage document for the cab. The chassis shall have a bill of sale or invoice and/or a photocopy of the original title showing releases of interest by the owner and lien holder. All other major components used should have invoices for the purchase. Both VINs shall be documented in the *ITD-3598* and the *ITD-0502*, with the cab VIN as the first VIN, and the frame VIN as the second VIN
- On assembled vehicles with a cab or frame change where the cab VIN is not known, if the frame is the same year & make as the cab, the frame VIN can be reassigned and used for titling. If

using the frame VIN as the titled VIN the title for the frame must be submitted with the application. A certified copy of the title marked “cab only” can be given to the applicant if the remainder of the vehicle is to be reused. Both VINs shall be documented in the *ITD-3598, ITD Motor Vehicle Investigator Report*.

- On assembled vehicles with a cab or frame change where the cab VIN is not known, if the frame and cab are different year of manufacture, or different make, then an assigned Idaho VIN shall be affixed and the year & make of the cab used for titling.
- If a frame VIN is found during an MVI inspection record the VIN on the title as the secondary VIN. Do not reassign frame VIN to cab of vehicle.
- If a MVI is presented a title for the frame but is unable to locate frame VIN record the frame VIN in the Statement of Facts but omit the frame VIN from the secondary VIN on the title.
- When inspecting historically frame VIN only vehicles an MVI can reassign the VIN to the cab of the vehicle if requested by the customer.

9.5 REPLICA VEHICLES

A replica is a vehicle made to replicate any vehicle previously manufactured, using metal, fiberglass or other composite materials. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. The model year for a replica vehicle will be the year of manufacture that the vehicle replicates. At a minimum, replica vehicles shall meet the same federal motor vehicle safety standards (FMVSS) and emission standards in effect for the year and type of vehicle being replicated [IDAPA 39.02.07.010.06](#). Often these vehicles are referred to by the public as “kit cars”.

Required documentation will include an MCO or invoice for the kit, and receipts for all additional parts and materials used to build the vehicle. Replica vehicles typically will require an Idaho assigned VIN number be assigned to the vehicle.

9.6 STREET RODS

Street Rod – Any pre-1949 vehicle which has had a significant drive train update from a more modern vehicle but uses a manufacturer's original body. Changes may include engine, transmission, frame, rear axle, and other suspension components. The body will resemble the manufacturer's original issue. [IDAPA 39.02.07.010.07](#)

9.7 REPLICA STREET RODS

A vehicle made to replicate 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 resemble the manufacturer's original issue. At a minimum, replica street rod vehicles shall meet the same FMVSS and emission standards in effect for the year and type of vehicle being replicated. [IDAPA 30.02.07.010.05](#)

Required documentation will include an MCO or invoice for the kit, and receipts for all additional parts and materials used to build the vehicle. Replica street rods typically will require an Idaho assigned VIN number be assigned to the vehicle.

9.8 GLIDER KITS

A glider kit is manufactured by a manufacturer of large trucks and consists of a frame, cab complete with wiring, instruments, fenders and hood and front axles and wheels. The glider kit is made into a complete

assembly by the addition of the engine, transmission, rear axles, wheels and tires. [Idaho Code 49-123\(2\)\(f\)](#) A glider kit is not a reconstructed vehicle [[Idaho Code 49-123\(2\)\(m\)](#)]. The MVI shall inspect each kit.

The MVI shall document all the identification numbers on a truck presented for a physical inspection as a glider kit, including:

- Locating the frame, engine, and body VINs and verifying the validity of the attachments.

The MVI is to report the applicant's statement as to where each component originated. There should be documented proof of ownership on each component.

For a glider kit, there should be an MCO and a bill of sale showing a VIN matching the kit.

For the other components, the applicant should provide proof of ownership in the form of receipts, invoices, or bills of sale. If all the parts came from a single dismantled vehicle, there should be an accompanying title that should be processed in **one** of the following ways:

- If the title was not in the name of the applicant, it should be transferred into the applicant's name prior to processing the glider kit title. Verified copies of that title (before processing) and a copy of the bill of sale will be included with the application for the glider kit.
- If the vehicle is totally dismantled and the cab and frame are not to be reused, the title should accompany the application for title so it can be canceled.

9.9 SALVAGE VEHICLE S

A salvage vehicle is defined as any vehicle having a salvage certificate, salvage bill of sale or other documentation showing evidence that the vehicle has been declared salvage, or which has been damaged to the extent that an insurer, the owner, or other person acting on behalf of the owner, determines that the cost of parts and labor minus the salvage value makes it uneconomical to repair or rebuild. [Idaho Code 49-123\(2\)\(o\)](#)

A total-loss vehicle is every vehicle deemed uneconomical to repair due to scrapping, dismantling or destruction. A total loss shall occur when an insurance company or any other person pays or makes other monetary settlement to the owner when it is deemed to be uneconomical to repair that damaged vehicle. The compensation for total loss as defined herein shall not include payments by an insurer or other person for medical care, bodily injury, vehicle rental, or for anything other than the amount paid for the actual damage to the vehicle. [Idaho Code 49-123\(2\)\(r\)](#)

No title-able vehicle of any type is exempt from the salvage program.

Idaho Code requires all salvage/total loss vehicles to be issued a salvage certificate prior to being re-titled or licensed. The salvage certificate may be applied for by either the owner if retaining possession of the vehicle or the insurance company. Penalty for failing to do so could result in a \$1,000 fine or six-month jail term or both.

Recovered theft or flood damaged vehicles are automatically branded as Rebuilt Salvage vehicles. When a [Recovered Stolen Vehicle Indemnifying Affidavit, ITD-3310](#), is received from the insurance company stating the vehicle was previously reported as a stolen vehicle and subsequently recovered without any structural damage, the title is annotated as a Theft Recovered vehicle.

When a previously branded vehicle is declared a total loss a second time, it still meets the salvage requirements.

9.9.1 Salvage Certificates

A salvage certificate is the ownership document issued on salvage vehicles after they have been salvaged or determined a total loss. The salvage certificate takes the place of the existing title or MCO.

Salvage certificates can only be issued by the department. ITD issues salvage certificates through the Titles Unit in Boise or the MVI.

When a salvage certificate is issued, it is processed through the DMV like any other title. Required documents for the issuance of a salvage certificate include the required title, odometer statements, bills of sale, power of attorney forms, etc.

9.10 WATERCRAFT/VESSELS

The State of Idaho has been titling boats, vessels, and watercraft since January 1, 2000. The title requirements for vessels are comparable to any other titled vehicle in the state of Idaho. There are certain requirements for a vessel to receive an Idaho title. The following is a list of the criteria to determine if a vessel is to be titled. There are certain other vessels which are exempt from titling.

9.10.1 Qualifications for Vessel Titling

- Size and propulsion
 - Any vessel with permanently attached mode of propulsion
 - Personal watercraft (Jet skis)
 - Inboard/outboard motorboats
 - Sailboats
 - Any non-exempt vessel over 12 feet in length regardless of the mode of propulsion
- Date of manufacture
 - Any vessel that has a year model of 2000 or newer and meets the size/propulsion requirements must be titled. (A 2000 model year sold new prior to 1/1/2000 it was not required to be titled to the original owner, but must be titled upon sale)
 - Any vessel that meets the requirements for size/propulsion and has a lien must be titled regardless of the age of the vessel
 - Any vessel which has had a title issued previously must be titled
- The following types of vessels are exempt from titling and cannot be titled:
 - Rowboats
 - Canoes
 - Kayaks
 - Drift boats
 - Inflatable vessels
 - Rafts
 - Barges
 - Non-motorized paddle vessels
 - Sail boards
 - Tenders
 - Seaplanes
 - Documented vessels

- Vessels owned by a U.S. or foreign state or political subdivision
- Outboard motorboats 12 feet or less in length, unless the motor is permanently mounted

9.10.2 Hull Identification Numbers (HIN)

The hull identification number, called HIN, is required on all vessels to be titled. Since 1972 there has been a standardized format for identification on all vessels. Prior to 1972 there were no standards to which the manufacture had to comply.

On 1972 model year and newer vessels, federal law requires the HIN to be located in two different places. One HIN is required to be permanently attached to the transom (back end of the vessel) on the right side above the waterline. Each manufacturer chooses the location to place their 2nd “confidential” HIN. These HINs have 12 characters. There are three separate formats which manufacturers have used since 1972.

Personal water craft (Jet Skis) also use the same format and location as boats.

- **HIN formats:**

- **1972-1984 "Straight Year" HIN – SER 12345 11 74**

<u>Position</u>	<u>Represents</u>	<u>Example</u>
1 - 3	Manufacturers Identification Code	SER = <u>Searay</u>
4 - 8	Sequential identification number	12345= 12345 th boat manufactured
9 - 10	Month of production	11 = November
11 - 12	Year of production	74 = 1974

- **1972-1984 "Model Year" HIN – FWN 12345 M7 8C**

<u>Position</u>	<u>Represents</u>	<u>Example</u>
1 - 3	Manufacturers Identification Code	FWN = Four <u>Winns</u>
4 - 8	Sequential identification number	12345= 12345 th boat manufactured
9	Model year format, fixed "M"	M = model year format
10 - 11	Model year	78 = 1978
12	Month of production	C = October

Prior to 1984 the "Model year" format was standard. The month the boat was completed was designated with an alpha character, beginning with "A" for August.

AUG	A	FEB	G
SEP	B	MAR	H
OCT	C	APR	I
NOV	D	MAY	J
DEC	E	JUN	K
JAN	F	JUL	L

- **1984 to present "Current Format" HIN – FWN 12345 G8 99**

<u>Position</u>	<u>Represents</u>	<u>Example</u>
1 - 3	Manufacturers Identification Code	FWN = Four <u>Winns</u>
4-8	Sequential identification number	12345= 12345 th boat manufactured
9	Month of manufacture	G = July
10	Year of manufacture	8 = 1998
11 - 12	Model year	99 = 1999

Beginning in 1984, the "Current Format" was standard. The month the boat was completed was designated with an alpha character, beginning with "A" for January.

JAN	A	JUL	G
FEB	B	AUG	H
MAR	C	SEP	I
APR	D	OCT	J
MAY	E	NOV	K
JUN	F	DEC	L

9.10.3 MVI HIN Assignment

The MVI will inspect vessels when the HIN is missing or illegible, as well as any SPCN vessels that meet titling requirements. The MVI shall attempt to locate any identification number on a manufactured vessel prior to assigning a state HIN. If the original manufacturer's number can be located, it can be reassigned to the vessel. If not, the MVI shall give it an Idaho assigned HIN.

One decal will be affixed to the back of the transom, on the right side near the top. It is required to apply a 2nd decal in a hidden location. This is often applied in the engine compartment on one of the stringers, or under the dash area.

The assigned HIN decal is partially pre-stamped. The MVI shall complete stamping the assigned HIN decal using the following chart. When the manufacture date is unknown, it is common procedure to use January as the month of manufacture. The MVI will stamp the correct HIN information onto the decal prior to affixing it to the vessel.

- **State assigned HIN - IDZ A 1234 A0 10**

<u>Position</u>	<u>Represents</u>	<u>Example</u>
1 - 2	State Identification Code	ID = Idaho
3	State assigned HIN	Z = State HIN
4	Hull Material	A = Fiberglass/ Plastic
5 - 8	Sequential identification number	1234 = 1234 th decal issued
9 - 10	Month and year of manufacture	A0 = January, 2010
11 - 12	Model year	10 = 2010

The state of Idaho has the following codes for hull materials:

- A – Fiberglass/Plastic
- B – Inflatable material (rubber)
- C – Aluminum
- D – Metal other than aluminum or steel
- E – Other
- F – Steel
- G – Wood

The year and month of manufacture codes (9th and 10th positions) are:

9th digit, month completed:

A – January	G – July
B – February	H – August
C – March	I – September
D – April	J – October
E – May	K – November
F – June	L – December

10th digit, the year it was manufactured, the last digit of the year.

9.10.4 Resource information

The US Coastguard web page has comprehensive information on most boating concerns. This includes a listing of all the Manufacturers Identification Codes (MIC). Their webpage is found at:

<http://www.uscgboating.org/>

9.11 MOBILE HOMES/MANUFACTURED HOMES

Manufactured homes are titled in Idaho. The title is required to be transferred to each subsequent owner, unless the manufactured home is declared to be real property. At that time the title is surrendered to the state and the title record reflects this declaration. Changes of ownership will then be recorded through the county assessor.

The MVI will be asked to assist in titling of manufactured homes under certain circumstances. The counties have been authorized by the state to assign VIN's to the manufactured homes and issue conditional titles as necessary. There may still be situations in which the MVI will be requested to assist.

9.11.1 Manufactured Home Identification

Common locations of the identification of manufactured homes are:

- Stamped on the tongue
 - The most common place to place the VIN on the early model manufactured homes was on the tongue of the trailer. It was most commonly placed on the right side of the tongue, either on the top or the side.
 - In the early 70's, up until about 1975, some manufacturers continued to stamp the VIN on the tongue
- Stamped on the front cross member
 - In the early 70's, up until about 1975, manufacturers started to stamp the VIN on the cross member, either horizontally or vertically, typically to the curbside of the tongue attachment to the manufactured home. On a double wide both sections were stamped with the VIN.
 - Prior to 1990 the cross member sat at the front of the trailer. If a manufactured home was skirted, the number would not be accessible without removing the skirting. In the 90's manufacturers started setting the front cross member several inches back from the front, allowing the VIN to be visible using a mirror and flashlight
- On the outside of the manufactured home
 - It was fairly common back in the 50's and 60's for a VIN number to be placed on the outside of the manufactured home. In later years the plumbing and electrical inspection was placed on the outside of the home, often near the main entrance to the home. That inspection plate was not to be used as the source for identification of the manufactured home.
 - Housing and Urban Development (HUD) numbers can be found on most manufactured homes. The certification label (also known as a HUD tag) is a metal plate that is affixed to the outside of the manufactured home. The label is approximately 2 in. by 4 in. in size and

permanently attached to the manufactured home. Each label is marked with a 6 digit control number. These are often at the rear of the trailer. These numbers can be cross-referenced at times to the original VIN of the manufactured home. These numbers should not be relied upon unless there are no other options of identification. The owner of the manufactured mobile home can get verification of the VIN by the HUD numbers at this web site: <http://www.ibts.org/services/manufactured-housing.html>. There is a fee for this service.

- On the inside of the mobile home
 - Many manufacturers through the years placed a “build sheet” in the electric panel box. That build sheet showed the complete VIN of the home.
 - It is also common to find a build sheet inside the laundry room cabinets, often glued to the side or back wall.
 - There are other locations where the build sheet has been attached. This includes inside of other cabinets, both over head and below a counter or sink. On early models it was commonly placed inside the master bedroom closet, glued to the wall.

9.11.2 Missing Title Record

There are many older manufactured homes with no computerized title record. When this occurs the county generally has the authorization to process the title as a conditional title if the home is older than 10 years (see Section 10.1 for the conditional title process). If the home is newer than 10 years old it would be required that this is processed under the bonded title procedure (Section 10.2). There can be certain situations which would require a MVI’s involvement. On manufactured homes the county cannot process them if

- The VIN has been tampered with. If no VIN can be found the county may assign a VIN if they have contracted with ITD to do so
- Owner has absolutely no proof of ownership
- There is a lien or record of a lien on the manufactured home

In those situations where the county requests the assistance of the MVI, the title can be processed after the MVI has concluded their investigation and recommended titling. The MVI should do all that is possible to assure proper identification of the manufactured home, make reasonable attempts to acquire the necessary releases of interest, and require in between owners to title as necessary.

When there is no current title record, typically county assessor property tax records are used to determine current ownership. The current owner or seller is required to title, but typically intermediate owners are not required to title. One exception to the conditional title process involves lien removal. While other vehicle types may have a lien removed after 10 years, manufactured homes will commonly have 30 year mortgages. As a result, liens may not usually be removed without a lien release prior to that time.

9.12 VEHICLE INSPECTION FEES

A \$25.00 fee is charged for any tilework completed by an MVI. An \$18.00 decal fee is charged if a new VIN is assigned or a manufacturer’s VIN is reassigned, as required by *Idaho Code*. The MVI will process a

title in the applicant's name and document the required sales tax in addition to all applicable inspection and titling fees.

9.13 VIN INSPECTIONS

The MVI shall thoroughly inspect all vehicles presented for inspection. Vehicles with non-factory standard VIN numbers or attachments shall be inspected to determine if any fraud or theft has taken place.

MVIs shall exhaust all possible ways to identify a vehicle before body parts are removed to locate and record a hidden VIN. By checking transmission and motor numbers, the identity can frequently be established or verified.

When parts have to be removed with a mechanic's help, use the following guidelines:

- If the owner is willing to pay to have parts removed at their expense, take the vehicle to a garage of the owner's choice. Ask the mechanic to remove or loosen the necessary parts. Before reading the VIN, ask all the people in the immediate area to allow you privacy to locate the VIN.
- As a last resort, the state garage and state personnel can be used to remove or loosen necessary parts with prior approval from the DOPS. The labor cost shall be charged to the Vehicle Services Section.

If no fraud or theft is discovered and the VIN needs to be reassigned or a new VIN assigned, it shall be placed in a public location. In certain situations, the MVI may wish to put a VIN decal or stamp a VIN at another location as well.

There are two forms that may be used to record a VIN inspection:

- The [*ITD-3403, Vehicle Identification Number Affidavit of Inspection*](#), may be used for all routine VIN inspections
- The *ITD-3598, ITD Motor Vehicle Investigator Report*, or the authorized computer generated equivalent should be used if any special circumstances need to be documented regarding the inspection or if an Idaho vin tag is applied

9.14 ASSIGNED/REASSIGNED VINS

As specified in [*IDAPA 39.02.07, Titling of Specially Constructed and Reconstructed Motor Vehicles, Section 300.02*](#).

- In the event a VIN cannot be located on a vehicle, a new Idaho assigned VIN shall be affixed to the vehicle
- If a new VIN is assigned to a vehicle and ownership documents represent a possible manufacturer's VIN, the VIN on the documents shall be noted in comments on the MVI *ITD-3598, ITD Motor Vehicle Investigator Report*. The vehicle will be branded as either a conditional or bonded vehicle in addition to any other brands (See Section 10)
- For a manufacturer's VIN to be reassigned on a vehicle the VIN must be able to be verified on the vehicle as a match to ownership documents to the satisfaction of the MVI
- An applicant's own assigned identification number shall not be accepted as a VIN

9.14.1 Reassignment with no title work process

9.15 ASSIGNED VIN LOCATIONS

The MVI assigns VINs to a standard location on most vehicles. However, the MVI can use their discretion in the placement of the decal as long as it is permanently and securely attached. The location shall be documented on the *ITD-3598*. The most common locations for trailers, passenger vehicles/trucks, and motorcycles are shown in appendix 9:

- Trailers: Using current foil decals the MVI will affix two VINs of the same assigned Idaho VIN to two locations (one curbside tongue, one C-VIN). Stamping is no longer required.

When metal tags are secured the MVI will secure the tag on the curbside tongue with 4 rivets.
- Passenger Vehicles and Trucks: The normal assigned VIN location is on the driver's side door pillar (B) post. At times it may be attached to the hinge (A) post. On quad-cab pickups, the decal may be placed on the driver's side rear hinge post. For vehicles with no accessible door post, or a post that is too narrow, the decal may be placed on the firewall.
- Motorcycles: Decals are usually attached to the headstock on the curbside, or under the seat on a section of the motorcycle frame. If the frame is not numbered, attach a pre-assigned Idaho VIN decal.
- Motor Homes: The decal should be placed as close to the original location as possible. If issuing a pre-assigned VIN, place the decal on some permanent metal portion of the coach close to the entry, or in the driver's compartment in a conspicuous location.
- Dune Buggy-Type Vehicles: Make the attachment on a permanent metal structural component.
- Fiberglass Body Vehicles: Vehicles with fiberglass bodies shall not have VIN assignments riveted or logo' d. Decals are attached with glue.
- Restored Classic Cars: When assigning VINs on restored vehicles, the MVI must be careful not to damage paint and body work. Decals can still be put on with rivets.
- Mobile Homes: Mobile home VINS are typically assigned to the inside of the breaker box for the home. They may also be assigned to the outside of the home close to the entrance.
- Vessels: Vessel HINS are prepared in sets of two. One HIN decal is glued to the transom. The second decal is assigned to a discreet secondary location determined by the MVI.

9.16 AFFIXING THE VIN DECAL

The decal will adhere best to a clean, dry, and preferably warm surface. The surface should be sprayed with a mild cleaner and wiped. (On freshly painted surfaces, use caution since fresh paint can be lifted or smeared.) The decal should then be placed into position at the proper location. As an option, cover the decal with clear tape prior to installing rivets.

If a decal is damaged in the application to the vehicle, the MVI shall attempt to remove the decal intact as much as possible. The damaged decal shall be cut in half on a diagonal, with both halves affixed to an *ITD-3598, ITD Motor Vehicle Investigator Report*, and sent to the ITD dealer team. This same procedure shall be used any time a decal is unusable.

Any time a VIN decal is affixed, an *ITD-3598, ITD Motor Vehicle Investigator Statement of Facts* shall be completed including explanation of how the decal is attached and its location.

The MVI must be careful not to damage the paint or surface of vehicles to which the decal is being attached while using the logo or rivets.

9.17 VIN PLATE REMOVAL

Occasionally, MVIs shall be required to remove VIN plates because a false or altered VIN was attached. Other instances where a vin plate may be required to be removed are dash changes. When a VIN plate is removed, the MVI shall reassign the true VIN to the vehicle and explain the reason and process in the *ITD-3598, ITD Motor Vehicle Investigator Statement of Facts*.

All removed VIN plates shall be destroyed by cutting them into enough pieces so that the plate could not be used for unlawful purposes.

9.18 ALTERED VIN

[Idaho Code 49-1418](#) requires any person owning or operating a service station, garage, or other repair shop to notify the DMV or local law enforcement agency if any motor, manufacturer, or identification number has been defaced, altered, removed, covered, destroyed, or obliterated.

If a violation for not reporting an altered VIN is discovered, the violator could be prosecuted. However, the MVI may wish to give written notice to the shop advising them of the violation and the requirements of *Idaho Code*.

If there are multiple violations, the MVI shall:

- Notify the local law enforcement agency having jurisdiction
- Contact the local prosecutor to determine if prosecution is warranted
- Notify the DOPS of any alleged violations

[Idaho Code 49-1418](#) also prohibits the sale of or offering for sale any vehicle or parts knowing the VIN or motor number has been altered or tampered with. MVIs finding violations of this code should contact the local law enforcement to determine if prosecution is warranted.

9.18.1 SEIZURE OF VEHICLES

[Idaho Code 49-1418](#) authorizes the seizure of a vehicle anytime without a warrant if the motor numbers or VIN have been tampered with or removed.

Whenever an MVI finds a vehicle on which the VIN has been altered or tampered with, a local law enforcement agency should be notified and requested to take over the investigation.

The MVI should immediately notify the DOPS upon finding a vehicle with altered identification numbers and seizing the vehicle. Every reasonable effort should be made to determine ownership of the vehicle. If true ownership is determined, the rightful owner should be notified of the seizure and made aware of the pending storage and towing fees.

The preferred method is for law enforcement to seize any vehicles. An MVI may seize if it is not possible for law enforcement to make the seizure.

A vehicle may be seized if there is reason to believe:

- The vehicle is stolen
- The VIN appears to have been altered or tampered with and the person having possession of it may dispose of it or may not present it when required

The procedures involved in seizing a vehicle are:

- The impounded vehicle should be secured at an ITD fenced yard or at a secure commercial storage yard. The MVI should complete an [*ITD-3565, Property Taken Into Custody*](#), and send a copy to the DOPS
- The MVI should take supporting photographs and complete a written report covering the period involved from the time of discovery of the ownership concern to the time of impoundment and inventory. It should be documented when and how the owners were notified
- In many cases, the MVI may wish to allow the presenter of the vehicle to park the vehicle inside the compound, rather than call for a commercial tow truck operator

If it is believed the person may attempt to take the vehicle, the MVI can determine how he wants to have the vehicle moved to the impound area.

- The MVI advises the person presenting the vehicle that the person determined to be the owner will be responsible for all storage and towing charges

9.19 ABANDONED VEHICLE/LIEN SALE VEHICLE REQUIRING MVI ASSISTANCE

Abandoned vehicles and vehicles process through the lien sale titling process require a VIN inspection prior to transfer. In the event that a VIN cannot be found or only a partial VIN can be located an MVI will need to be included in the titling process. A MVI will either be contacted by the customer who submitted the application to the department or by the Title sections Abandoned/lien sale specialist.

The MVI will first confirm that the vehicle is required to be titled. If the vehicle does not require titling (utility trailer under 2,000 lbs. or boat exempt from titling requirements) an *ITD-3598, ITD Motor Vehicle Investigator Statement of Facts* will be completed and a copy of the report will be given to both the customer and the Title sections Abandoned/lien sale specialist. Vehicles that are not required to be titled can be disposed of in a manner similar to a personal property sale and do not require titling prior to sale or use.

If a vehicle does require title the MVI will conduct an investigation as to the location of the title for the vehicle. If the vehicle is not able to be identified in a manner that warrants reassignment of the VIN an assigned Idaho VIN will be affixed to the vehicle as prescribed in section 9.16 of the MVI manual. An *ITD-*

3598, *ITD Motor Vehicle Investigator Statement of Facts* will be completed by the MVI. A physical copy of the Statement of Facts will be given to the customer and an electronic copy will be emailed to Abandoned.Vehicles@itd.idaho.gov

MVIs will not be required to complete the titling process for a customer who is applying for title through the abandoned vehicle process or the lien sale process. MVIs are only responsible for providing a valid VIN and the accompanying Statement of Facts. If the vehicle requires a bond or will be branded as conditional the customer is responsible for completing certified mailings or any other requirement of the department to complete the titling process.

Chapter 10 –MVI Manual

10.0 CONDITIONAL AND BONDED TITLES

10.1 CONDITIONAL TITLE

10.1.1 Definition

A title issued for a vehicle ten or more years old when the applicant is unable to present ownership documentation sufficient to satisfy normal titling requirements. Conditional titles are issued with the following brand: *"ISSUED ON STATEMENT OF APPLICANT, BRAND EXP: MM/DD/YY."*

10.1.2 Titling Procedure

Most conditional titles can be processed by DMV personnel. There may be situations when the MVI will also process a conditional title. Liens less than 10 years old can only be removed by an MVI, vehicles with VIN discrepancies or missing VINS will need to see the MVI, and there will be times customer service demands that the MVI assist the customer rather than sending them back to the DMV.

- If a DMV or MVI determines that a customer does not have or is unable to obtain sufficient ownership documentation to apply for a regular title for a vehicle 10 years old or older, they may proceed with the conditional title process
- A VIN inspection is required for all conditional titles. If there is no VIN on the vehicle, the MVI will need to handle these cases in order to assign a new VIN. If the MVI is dissatisfied with the VIN because it appears to have been tampered with, a customer may be required to bond the vehicle to obtain title
- The MVI will check Idaho databases, and if necessary perform a NMVITIS check to determine previous ownership of vehicle
- The customer will obtain a Motor Vehicle Record if previously titled in Idaho, and attempt to contact that person by certified mail in order to obtain missing documentation. If there is a previous Idaho owner who failed to title the vehicle they may be required to do so first. If the

vehicle is determined to have been titled out of state, either the customer may be required to contact that state to obtain owner information and attempt to contact them by certified mail, or the MVI may opt to send a letter to the out of state owner based on NLETS results. Once a customer demonstrates that they are unable to get the required documents, and that all possible means have been employed to try to resolve the title problem, the title work can be completed

- The customer will present all their documentation to the MVI, including VIN inspection, MVRs, proof of mailings to owners (certified mail receipts and returned certified mail letter, etc.) and any other proof of ownership they may have, such as old registrations, bills of sale, receipts, cancelled checks, etc. If documentation is sufficient for a conditional title, the MVI will complete an *ITD Motor Vehicle Investigator Report, ITD 3598*. By signing this form, the customer agrees to hold ITD (including any county deputy serving as its agent) harmless and defend them from all legal expenses in the event of legal action that may result from the issuance of the title. On this form, customer also states how they obtained the vehicle, that it is free and clear of any liens and encumbrances, why they cannot comply with normal title requirements, and what attempts have been made to resolve the concerns
- If the vehicle is a mobile or manufactured home, applicants may also need to present documentation verifying current property tax on the home has been paid
- The MVI will complete a *Report of Sale and Application for Certificate of Title* and an *MVI statement of facts* and send the customer to their local county DMV office to collect the fees.

10.1.3 Brand Expiration

The conditional title brand "*ISSUED ON STATEMENT OF APPLICANT, BRAND EXP: MM/DD/YY*," includes the expiration date, which is three years from the date the conditional title is issued. When the expiration date arrives, the customer may surrender the title to have the brand removed if they are still an Idaho resident, and if there are no pending actions or claims that place legal ownership of the vehicle in question. The title must be accompanied by the applicable title fee at the time it is submitted to have the brand removed.

Branded titles may not be accepted in some states due to the title's brand or "clouded" status. If other states do accept the branded title, they may impose special requirements such as the posting of a surety bond.

10.1.4 Other Circumstances

Some transactions may be more complicated, and will not fit the standard criteria described above. In these cases, the county or ITD may refer the transaction to an MVI. This process may not be used to remove a current or unpaid lien. If a vehicle has been acquired as an abandoned vehicle or at a lien sale, the applicant is required to comply with the existing laws concerning those processes. Such vehicles are ineligible for a conditional title. If a vehicle has been abandoned by tenants, it will be treated as an abandoned vehicle, and customers should contact their local law enforcement agency to see if they will have it removed. (See the [abandoned vehicle brochure](#) for additional information.)

10.2 BONDED TITLE

Vehicle bonding is required whenever a title applicant is unable to satisfy requirements necessary to obtain a regular title for a vehicle less than 10 years old. The bond is for one-and-a-half times the appraised value of the vehicle, and must remain in effect for three years. Bonded titles carry the brand, "Bonded Title" along with an expiration date that is three years from the date of issuance of the bond. When the expiration date has been reached, if no claims have been made against the bond, the owner may submit the title to any county DMV office in Idaho, apply for a regular title, pay the title fee, and obtain a new title which does not have the brand.

County DMV office will give customers a packet that includes these instructions.

The packet will also include the below forms and items:

- A vehicle Ownership Bond form, [ITD-3909](#)
- A vehicle identification number (VIN) inspection certification form, [ITD-3403](#)
- Indemnifying affidavit, [ITD-3410](#)
- An application for certificate of title, [ITD-3337](#) with instructions
- An envelope addressed to the Idaho Transportation Department (ITD)
- An ITD Vehicle Services examiner's business card

Utilizing these items, a bonded title can be obtained through the DMV. There are occasions when an MVI may issue a bonded title, such as when a lien needs to be removed, a VIN needs to be issued, or for the sake of customer service on a newer vehicle.

- The MVI will check Idaho databases, and if necessary perform an NMVITIS check to determine previous ownership of vehicle.
- MVIs will no longer use ILETs for determining last owner of record. ILETs use is to be restricted to verifying that suspicious applications or complaints do not involve stolen vehicle. ILETs will be utilized in the MVI office to verify a return by NMVITIS showing a stolen vehicle. MVIs should not run a ILETs Query while an applicant is physically present. If a vehicle query through ILETs returns as stolen a MVI will contact the reporting jurisdiction and confirm the vehicle's status. If the vehicle has been confirmed stolen the MVI will contact local LE and coordinate a time to meet at the vehicle's location. Once the vehicle identity has been confirmed the MVI will hand off recovery of the stolen vehicle to local law enforcement.
- MVI title work that requires placing a conditional or bonded brand on a title does require contacting the last owner of record. Running a vehicle VIN through NMVITIS will provide a return for which state to contact for a Motor Vehicle Record (MVR). It is the MVI's discretion as to whether they require their applicant to conduct the out of state MVR or to submit the MVR on behalf of the applicant. Most state DMVs provide MVRs to law enforcement and state agencies free of charge.
- The customer will obtain a Motor Vehicle Record if previously titled in Idaho, and attempt to contact that person and any lienholder of record by certified mail in order to obtain missing documentation. If there is a previous Idaho owner who failed to title the vehicle they may be required to do so first. If the vehicle is determined to have been titled out of state, either the customer may be required to contact that state to obtain owner information and attempt to

contact them by certified mail, or the MVI may opt to send a letter to the out of state owner based on NLETS

- A VIN inspection is required for all bonded titles. If there is no VIN on the vehicle, the MVI will need to handle these cases in order to assign a new VIN
- Applicants must retain receipts and any returned mail as proof of their attempts to notify these parties, as they will need to submit these with their application for title. Once a customer demonstrates that they are unable to get the required documents, and that all possible means have been employed to try to resolve the title problem, the bond can be applied for
- The MVI will need to establish the value of the vehicle. The customer can present an appraisal from a licensed Idaho dealer on the dealer's letterhead, or the MVI can use the NADA valuation. The MVI will then prepare an [ITD-3909, Vehicle Ownership Bond](#), and give it to the customer to use to obtain a surety bond
- The customer will purchase a surety bond either through a bonding company or their insurance company. The form must be completed in full, signed by the insurance company, and returned to the MVI with original signatures and seal.
- The MVI will ensure the following information has been captured on the form:
 - Owner's full legal name(s) and address
 - Surety company's name
 - State in which the surety company was organized (they must be authorized to transact surety business in the State of Idaho)
 - Amount of the bond – this must be one and one-half times the appraised value of the vehicle
 - Vehicle description including year, make, model, and VIN (also engine number if the vehicle is a motorcycle)
 - Surety Company's name, signature by insurance agent as attorney-in-fact for the Surety Company, along with the insurance agency's name and agent's name
 - Surety Company's stamp or seal
 - Name of the principal (title applicant) and their signature. If this is a business, enter the business name in the "Name" line and also include the job title of the person signing
- The customer will present all their documentation to the MVI, including VIN inspection, signed bond form, MVRs, proof of mailings to owners (certified mail receipts and returned certified mail letter, etc.) and any other proof of ownership they may have, such as old registrations, bills of sale, receipts, cancelled checks, etc. If documentation is sufficient for a conditional title, the MVI will complete an *ITD Motor Vehicle Investigator Report, ITD 3598*. By signing this form, the customer agrees to hold ITD (including any county deputy serving as its agent) harmless and defend them from all legal expenses in the event of legal action that may result from the issuance of the title. On this form, customer also states how they obtained the vehicle, that it is free and clear of any liens and encumbrances, why they cannot comply with normal title requirements, and what attempts have been made to resolve the concerns
- If the vehicle is a mobile or manufactured home, applicants may also need to present documentation verifying current property tax on the home has been paid

- If there is a current or unpaid lien on the record, this process may not be used to remove the lien
- The MVI will complete a *Report of Sale and Application for Certificate of Title* and a *MVI statement of facts* and send the customer to their local county DMV to collect the fees.

10.3 REMOVING LIENS

For vehicles and mobile homes that have liens on the titles and the owner does not have a release from the lienholder of record, special requirements apply. For vehicles to qualify for this procedure, the lien usually must be at least 10 years old. For mobile homes and Recreational Vehicles (RVs) the lien must be at least 15 years old.

If the lienholder was a financial agency or Idaho vehicle dealer, an attempt must be made to determine if another agency took over the accounts of the defunct lienholder. This information can sometimes be obtained from the State Department of Finance in the state where the lienholder existed. **The Idaho Department of Finance has requested that customers not be referred to their office in cases where the lienholder is a federal bank or credit union.** They no longer have current information pertaining to these types of entities. They can only provide contact information on lienholders that are licensed with the Department as consumer finance companies, title lenders, companies that take assignments of credit obligations, and state-chartered banks and credit unions. Licensed consumer finance companies, title lenders, and companies that take assignments of credit obligations can be identified on the Department of Finance website at <http://finance.idaho.gov/ConsumerFinance/ConsumerCreditLicense.aspx>. Select the desired category from the drop down box at the top. For finance companies, select "Regulated Lenders". If you enter the name of a company that is out of business, it should indicate the current account holder. For information on state chartered banks and credit unions, call the Department of Finance at (208)332-8031.

The Secretary of State's website also has information for some companies that have gone out of business. Go to www.sos.idaho.gov, click on the "Business Entities" button in the upper left corner, and then click on "Business Records Search" or just go to <http://www.accessidaho.org/public/sos/corp/search.html?ScriptForm.startstep=crit>.

The Federal Deposit Insurance Corporation (FDIC) website can be used to search for banks and thrift institutions insured by the FDIC. The website is: <http://research.fdic.gov/bankfind/>. For failed banks a search can be conducted at <https://www5.fdic.gov/drip/cs/index.asp>, or to see a list of all failed banks and their new contact information go to <http://www.fdic.gov/bank/individual/failed/banklist.html>.

If records indicate a new lienholder took over the accounts, a lien release may be obtained from the new financial agency or dealership with confirmation from the new lienholder that they assumed the accounts of the lienholder shown on the title. The applicant may receive a clear, regular title by submitting this information.

In other situations, the owner may possibly be issued a conditional or bonded title depending on the year of the vehicle and other considerations. Determinations are made on a case by case basis.

If the records indicate that an account was not taken over by another agency, the lien may be removed and a clear conditional title (if the vehicle is over 10 years old) may be issued by submitting the following to either the county or ITD:

- A statement by the applicant that the vehicle was paid off but they lost the title showing the lien release OR
- A statement by the applicant that the vehicle was paid off but they never got the title and the lienholder is now out of business
- Returned/unopened **Certified Letter** sent to the lienholder by the applicant to the last known address for the lienholder of record
- VIN inspection
- If the vehicle is a mobile home or manufactured home, the owner should also present documentation verifying the county taxes have been paid current

Some transactions may be more complicated and will not fit the standard criteria described above. In those cases the MVI should look for proof of payment such as payment schedule, cancelled checks, etc. If the MVI is not satisfied with the documentation provided, a bond may be required. The vehicle services title manual should be consulted for any additional title requirements.

This procedure cannot be used if there is a lienholder who is still owed money.

If money is still owed to a lienholder, then the applicant should petition the courts to have the lien extinguished. Once a judgment is received then we may issue a clear title with no brand.

10.4 EXCEPTION LETTERS

The D3D MVI will triage exception letters from the titles department to determine if they do require a MVI to be involved in the inspection and investigation of a vehicle. If the vehicle does not need to be seen by a MVI the D3D investigator will work with the titles team to resolve the matter without involving an investigator. If an exception letter does require an inspection or investigation by a MVI the D3D MVI will initial and date the exception letter sent by the titles team and ensure it is delivered to the correct MVI in a timely manner.

Once an MVI receives an exception letter they should send the applicant letter attached to the exception packet to the customer via certified mail and record the date of mailing. If the applicant does not respond within 30 days MVIs should send back the exception letter packet to HQ to have the application placed into suspense.

10.5 MOTORCYCLE BRANDS

MVIs will no longer brand motorcycles as assembled. Motorcycles will now fall into one of two categories when a change in appearance or frame has taken place.

SPCN

If a motorcycle is either a custom build or a frame change that changes the appearance of the vehicle in a manner that does not resemble any manufactured vehicle mass produced. An Investigator will assign an Idaho VIN to the vehicle regardless if the vehicle has a frame VIN. If there is a frame VIN the investigator will record that VIN as secondary and use the assigned Idaho VIN as the primary VIN. The investigator will use receipts, previous title, or bills of sale to determine the amount tax owed by the customer. The vehicle title will be branded as an SPCN along with any other applicable brands if ownership of the vehicle is in question.

Replica

If a motorcycle has had its frame replaced with a frame that resembles the general year make and model of the originally produced vehicle, or a frame from another similar or identical vehicle, the vehicle will be branded a replica. If the frame has a VIN from the manufacture of the frame the vehicle will be title using that VIN. If the frame does not have a VIN the investigator will assign an Idaho VIN. Any other applicable brands will be placed on the vehicle if ownership of the vehicle is in question and ownership documents do not meet the requirements of the department.

10.6 ATV, UTV, SNOW MACHINE BRANDS

SPCN

If a vehicle has been built by the applicant and does not resemble any vehicle manufactured the MVI will assign an Idaho VIN and place a SPCN brand on the title.

If a frame or tunnel change has occurred that changes the vehicles appearance from what was originally manufactured the vehicle will need to be branded as a SPCN vehicle. An Idaho assigned VIN will be affixed to the vehicle. If a VIN from the manufacturer of the frame or tunnel has affixed a VIN the MVI will record this as a secondary VIN.

Replica

If a frame or a tunnel change has occurred outside of a franchised dealerships service department, where the vehicle appears as originally manufactured, the vehicle will be branded a Replica. If a VIN has been provided by the manufacturer of the frame or tunnel the MVI will title by the VIN on the vehicle. If no VIN has been affixed by the manufacturer of the frame or tunnel the MVI will assign an Idaho VIN.

Assembled

If a frame or tunnel change is conducted by a licensed and franchised dealerships service department, using a frame or tunnel from the manufacturer, and all documentation has been retained or provided to the MVI, the vehicle will be branded an Assembled vehicle. The MVI will title using the VIN provided by the manufacturer and brand the vehicle as an assembled. If no VIN is affixed by the manufacture but sufficient evidence can prove the same vehicle has undergone a frame or tunnel change the MVI will reassign the original VIN to the vehicle and brand it as an Assembled Vehicle.

Chapter 11 – MVI Manual

11.0 ACRONYMS

AMS	Advanced Management System
ATV	All Terrain Vehicle
BDC	Bond Cancellation
CD	Certificate of Deposit
DMV	Division of Motor Vehicles
DOPS	Dealer Operations Program Supervisor
EIN	Employer Identification Number
FDIC	Federal Deposit Insurance Company
FMLA	Family and Medical Leave Act
FMVSS	Federal Motor Vehicle Safety Standards
FS	Financial Services
HIN	Hull Identification Number
HR	Human Resources
HRS	Human Resource Services
HUD	Housing and Urban Development
IADA	Idaho Automotive Dealer Association
ICAR Fund	Idaho Consumer Asset Recover Fund
IDAPA	Idaho Administrative Procedures Act
IC	Idaho Code
ID	Identification
ILETS	Idaho Law Enforcement Telecommunication System
IPOPS	Idaho Paperless Online Personnel/Payroll System
ISIADA	Idaho State Independent Auto Dealers Association

IT	Information Technology
ITD	Idaho Transportation Department
LLC	Limited Liability Corporation
LLP	Limited Liability Partnership
MCO	Manufacturers Certificate of Origin
MIC	Manufacturers Identification Code
MSO	Manufacturers Statement of Origin
MVI	Motor Vehicle Investigator
NEV	Neighborhood Electric Vehicle
NLETS	National Law Enforcement Telecommunication System
OPOR	One Person/One Record
PIN	Product Identification Number
PPB	Principal Place of Business
RV	Recreational Vehicle
SPCN	Specially Constructed (Vehicle)
UTV	Utility Type Vehicle
VIN	Vehicle Identification Number



COMMISSION OF DEPARTMENT EMPLOYEES AS PEACE OFFICERS

Designated department employees may be authorized to receive limited peace officer authority as provided for in Section 40-510, Idaho Code. The enforcement of Chapter 24, Title 49, Idaho Code shall be limited to Sections 49-2401 through 49-2412, and 49-2446, Idaho Code. Department employees who are granted limited peace officer commissions shall not take defendants before magistrates as outlined in Sections 40-510 and 49-1407, Idaho Code.

The authority permitted in Section 40-510, Idaho Code, shall be outlined within a commission prepared and administered by the Commercial Vehicle Services Manager or delegate. The signatures of both the employee receiving the commission and the Motor Vehicle Administrator shall appear on the commission for validation purposes. All commissioned employees shall be issued identification cards displaying the date of commission and position title.

The peace officer authority contained in Section 40-510, Idaho Code, may be extended to employees of adjoining states following the implementation of bilateral agreements for joint operations of ports of entry as outlined in Section 40-317, Idaho Code. The Motor Vehicle Administrator, or a delegate, shall establish such commissions and ensure the proper training of affected employees of adjoining states.

No department employee who is granted a limited peace officer commission may carry a firearm or other weapons, either on their person or in any vehicle owned or operated by the department, or at any department facility while in the performance of department duties.

The Commercial Vehicle Services Manager or the Vehicle Services Manager shall request background investigations on persons employed by, or seeking employment by, the department, to act with limited peace officer authority. Persons convicted of a felony within the past 20 years shall not be employed by the department to act with limited peace officer authority.

Signed _____
Pamela K. Lowe, P.E.
Director

Date July 11, 2008

Appendix 2



ADMINISTRATIVE POLICY A-22-02

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COMPUTER, E-MAIL, AND INTERNET USAGE

This policy is intended to help staff and contractors employed by ITD understand the department's expectations regarding the use of computers, computer applications, electronic messaging, and the Internet. All staff, including contractors and interns, are subject to this policy.

Privacy

The Department reserves the right to review employee, contractor, and interns' use of electronic files, the Internet, and electronic messages at any time and for any reason. Employees, contractors, and interns should be aware that personal privacy is not guaranteed and that the Department may monitor all such usage. Any unauthorized or inappropriate use discovered during such monitoring activities shall be formally reported to management and the Human Resource Services Manager for determination of appropriate action.

All electronic files, including e-mail messages, are generally retrievable even after they have been deleted. These items are discoverable as "public records" under the Idaho Public Records Law, Idaho Code, sections 9-337 through 9-348, unless specifically exempted from discovery. Therefore, electronic files are subject to inspection and copying by any member of the public.

Responsibilities

All staff, contractors, and interns shall comply with the following Information Technology Resource Management Council (ITRMC) policies at all times, without exception.

- P1040, Employee Electronic Mail and Messaging Use
- P1050, Employee Internet Use
- P1060, Employee Personal Computer Use

Hardcopies of these policies shall be signed for with the policy acknowledgment form by staff, contractors, and interns on the first day of employment. Supervisors are responsible for reviewing these policies with all employees, and providing copies of the signed acknowledgment form to Human Resource Services. Electronic copies of these policies can be found at: <http://itrmc.idaho.gov/resources.html#policies>.

• **Employees:** An employee who observes or receives something inappropriate or offensive should report any incident to a supervisor immediately.

The Department insists that employees, contractors, and its agents conduct themselves appropriately when using State owned equipment, while utilizing the Internet, and when sending e-mail and other forms of electronic messages; and that they abide by relevant software licensing agreements and copyright rules.

User identification and passwords must be changed regularly, kept confidential, and comply with applicable State standards and policy.

- **Supervisory and Management Staff:** Supervisors and managers shall ensure that employees understand this policy. If inappropriate use is identified, reported, or suspected, supervisors and managers shall follow the procedures contained in this policy and the Human Resource Services manual, Chapter 13 – Disciplinary Actions.

ADMINISTRATIVE POLICY A-22-02

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Disciplinary Actions

Each offense shall be handled on a case-by-case basis. Disciplinary action shall follow the procedures contained in the Human Resource Services manual, Chapter 13 – Disciplinary Actions. Any suspected illegal activity shall be reported to the Division Administrator and Human Resource Services Manager, who shall notify appropriate law enforcement authorities.

Policy Acknowledgment

All employees who have access to Department computer resources shall sign the policy acknowledgment form that certifies that they have read, understood, and shall comply with this policy.

Employees who refuse to sign the acknowledgment form, shall face disciplinary action up to and including dismissal.

Additionally, a copy of this policy and associated ITRMC policies shall be given to all new employees as part of the hiring process. This policy shall be re-distributed to all employees for re-acknowledgment every two years at a minimum.

Signed
Brian W. Ness
Director

Date June 07, 2010

This policy is based on:

- ITRMC Policies P1040, P1050, and P1060
- Statewide Policies on Computer, the Internet and Electronic Mail Usage by State Employees
- Idaho Protection of Public Employees Act (a.k.a. Whistleblowers Act)
- Decision by the Director

Department-wide supervision and coordination assigned to:

- Administrative Services Division Administrator

Direction for activity and results assigned to:

- Employees, Supervisors, the Chief Technology Officer, and the Human Resource Services Manager

Department procedures contained in:

- This policy
- Human Resource Services manual sections on Ethical Conduct, Disciplinary Actions, Conditions of Employment, Misuse of Department Resources, and Due Process Procedures
- New employee hiring packet

Former date of A-22-02:

7/30/79, 3/5/93, 6/10/96, 9/5/00, and 12/11/01

Cross-reference to related Administrative policies:

- A-01-15, RELEASE AND RESTRICTION OF DEPARTMENT RECORDS
- A-06-02, DEPARTMENT CORRESPONDENCE
- A-06-08, SALES ACTIVITIES IN THE WORKPLACE
- A-06-25, RECORDS AND FORMS MANAGEMENT
- A-06-13, DEPARTMENT FACILITIES AND EQUIPMENT
- A-06-16, SECURITY OF DEPARTMENT FACILITIES
- A-18-03, PART-TIME OUTSIDE EMPLOYMENT

- A-18-10, HARASSMENT IN THE WORKPLACE
- A-18-12, ALCOHOL AND DRUG-FREE WORKPLACE
- A-20-01, RELEASE OF DEPARTMENT INFORMATION TO THE MEDIA
- A-22-04, REMOTE ACCESS TO ITD INFORMATION RESOURCES
- A-23-02, WORKPLACE VIOLENCE

Appendix 3

ITD 0083 (Rev. 05-10)



Vehicle Services **Records Retention Schedule** Idaho Transportation Department

Date: 1/19/2010

Title/Description	Retention (Record Copy)	Record No.	Citation Reference
30 Day Temporary Books Entered into database upon receipt then assigned on same database to dealers as purchased	Until obsolete	1377	Business requirement
Consumer Complaints Filed with Dealer File	Destroy with Dealer File	1375	Business requirement
Dealer Education Files Tests, Education Provider Information documenting, on an annual basis, the completion of four (4) hours of continuing education, prior to dealer licensing.	5 Years after completion	1374	Business requirement
Dealer Licensing Files Documents supporting dealership application for license in the State of Idaho. Includes, Vehicle dealer performance bond, application for dealer license with personal history documented for each owner, partner, officer or director, building and zoning records, seller permit number, liability insurance, proof of passage of written examination, dealership location inspection records	10 Years after final activity	1373	Business requirement
Salesperson Applications Documents supporting salesman application for license. Includes application and fees, background investigation certification from dealer, and passage of written exam.	10 Years after final activity	1376	Business requirement
VIN Books – Title Information for missing Titles NCR statements of decal assignment; records w/o title record added to Access database supplied as necessary from dealership	20 Years	1378	49-506



Director's Office (signed)

Date: October 22, 2010

To: All ITD Employees

Subject: Cell Phone Use in ITD Owned Vehicles

Review Date: October 22, 2011

Safety is a key objective of ITD Executive Management. Safety is part of the Department's strategic plan, it is one of our performance measures, and it is one of the key objectives in the new long range system plan. Since safety on the roadways receives such high attention for those who travel on Idaho's highways, it is equally important to management that employees set an example to others and be as safe as possible.

In an effort to model safe driving practices, effective October 25, 2010 all Department personnel are prohibited from using a cell phone or other messaging device, including hands-free or text messaging operations, for any reason while operating a moving ground vehicle or piece of off-road motorized equipment to perform work duties for ITD. Examples include, but are not limited to, automobiles, pickups, trucks, snow plows, cranes, boom trucks, bucket trucks, backhoes, excavators, loaders, motor graders, rollers, tractors of any kind, etc. The only approved communication device is an ITD radio when required. Drivers on ITD business are required to stop the vehicle in a safe location to safely use a cell phone or other messaging or electronic device other than the 2-way radio. ITD employees riding as passengers may use the cell phone, including text messaging.



OPERATING STATE-OWNED VEHICLES

Purpose

This policy defines the authorized ridership and use of state-owned vehicles, including aircraft and vehicles rented in the name of the Department.

Operating State-Owned Vehicles

The use of state-owned vehicles is for ***official business or approved commuting only***. Vehicles rented in the name of the Department are included in this policy.

Department personnel shall:

- Follow the state laws governing motor vehicle, drivers, and traffic laws. Seat belts shall be worn in all seating positions that are equipped with operable seat belts whenever riding in or driving state-owned vehicles. Seat belts shall also be used when using personal vehicles on department business. Department employees shall be liable for any fines arising from infractions of state and local traffic laws and personally liable for any damage if the employee is acting outside the course and scope of official duty. Employees who are found guilty of committing an infraction of state law may be requested to attend a defensive driving course.
- Use state-owned vehicles for official business purposes only. Department employees, authorized volunteers, and others in the conduct of doing official business with the state of Idaho are the **only** passengers that may be transported. (Emergency assistance shall be considered official business.) The vehicle operator is responsible for determining if a passenger(s) can be transported in a department vehicle. Any time a non-State employee will be riding in an ITD vehicle, the Employee Safety and Risk Manager shall be notified and provided with a signed copy of the Release and Acknowledgement of Responsibility form prior to the event unless the event is an emergency, in which case the release form shall be provided at the earliest opportunity. Non-State employees may be allowed to drive or ride in state vehicles under the following limited conditions:
 - Non-State employees shall execute and deliver to the supervising Department employee a signed copy of the supplemental Release and Acknowledgement of Responsibility form prior to driving or riding in a state owned vehicle;
 - Non-State employees may be allowed to drive or ride in state-owned vehicles only when no other non-state owned vehicles are reasonably available and such travel is directly associated with the business purpose of the relationship between the non-State employee and the Department;
 - Spouses or family member of Department employees shall not drive or ride in state vehicles unless they fall into the above category;
 - Department employees may pick up stranded motorists in emergency situations that involve isolation, dangerous inclement weather, and no expectation that aid will be forthcoming in a

reasonable amount of time.

- Non-State employees shall not be allowed to drive a state owned vehicle while a Department employee is a passenger in the same vehicle;
 - Prior authorization shall be obtained from a District Engineer, Division Administrator or a member of executive management before a non-State employee may be allowed to drive or ride in a state owned vehicle. Said authorization shall not be given until sufficient evidence of the non-State employee's current and valid driver's license has been obtained by the authorizing individual;
 - Any non-State employee authorized to drive or ride in a state owned vehicle shall at all times abide by the terms and conditions of this policy relating to Department employees' operation of state owned vehicles.
- Be authorized to drive a state vehicle by the Employee Safety/Risk Management Manager after acceptance of the employee's driver record and possess a valid Idaho Class D Driver's license or an Idaho Class A, B, or C Commercial Driver's license.
 - Take reasonable precautions to adequately protect the state-owned vehicle from damage or theft.
 - Park vehicles in areas which do not reflect adversely on the Department. Employees should not park state vehicles at nightclubs, recreational establishments, etc.
 - Promptly report any incidents or accidents involving a state-owned vehicle to their supervisor or the Employee Safety/Risk Management section.
 - Follow the instructions on the Operator Information stickers placed in all road equipment.

Applicants for employment positions within the Department may be allowed to operate Department-owned heavy equipment/vehicles for the purpose of performing hands-on skills testing relating to the position for which they are applying. Such operation shall be under the direct supervision of an ITD supervisor/manager level employee who is directly involved in the evaluation process. Prior to a non-employee applicant operating Department equipment for skills testing purposes, the Employee Safety and Risk Manager or the District Safety Officer shall state that a review of the applicant's application materials indicate that the applicant has the basic skills and experience necessary to safely operate the specific equipment/vehicles being used for testing purposes and shall forward this information to the Human Resource Manager for review and documentation. The non-employee applicant shall review and sign the supplemental Release and Acknowledgement of Responsibility form which shall be filed as part of the interview files.

Violation of the preceding state vehicle operation rules or if an employee is found abusing the privilege of using a state-owned vehicle for any unauthorized purpose shall be subject to immediate corrective action, up to and including disciplinary action.

Department personnel shall adhere to Administrative policy, A-18-12, ALCOHOL AND DRUG-FREE WORKPLACE.

Signed _____
Brian W. Ness
Director

Date July 26, 2013

Appendix 6

ITD-500 9-94

IDAHO TRANSPORTATION DEPARTMENT

Department Memorandum

DATE: MAY 17, 2005

TO: DARYL MARLER
DEALER OPERATIONS PROGRAM SUPERVISOR

FROM: JOHN DOE
MOTOR VEHICLE INVESTIGATOR - BOISE

RE: DAZZLING DAVE'S AUTO SALES, IDAHO DEALER 1234
3316 WEST STATE STREET
BOISE, ID 83703
OWNER – DAVE JOHNSON

The following is a sworn report of my investigation of the alleged violations of the following statutes or IDAPA Rules by the above-named motor vehicle dealer.

Alleged violation and supporting information (per following example)

Date Notified	Description of Incident	Violation Of	Dealer
_____	_____	_____	_____
_____	_____	_____	_____
State of Idaho)		
) :§§		
County of Ada)		

John Doe, being first duly sworn upon oath, deposes and says:

I am employed by the Idaho Transportation Department, Division of Motor Vehicles, as a Motor Vehicle Investigator, and make this verification for and on behalf of the Idaho Transportation Department, Division of Motor Vehicles, a political body of the state of Idaho.

I further say that I have read the foregoing report, I know the contents thereof, and I verily believe the allegations of fact therein contained are true from the information supplied to me.

Dated this 17th day of May 2005

Subscribed and sworn to before me this ____ day of May 2005

Notary Public for Idaho
Residing at Boise, Idaho
County of Ada

INSTRUCTIONS FOR ITD-4976, IDAHO UNIFORM CITATION

- 1 Enter the number of the judicial district where the violation occurred.
- 2 Enter the name of the county in which the violation occurred.
- 3 Check the appropriate box. When in doubt, consult *Idaho Code*. In the case where a person is charged with more than two infractions or misdemeanors, check the "companion citation attached" box. Then on a second citation, write only the driver's license number (field #15) and a description of the additional violations (fields #30 and #31).
- 4 Enter the full name of the defendant.
- 5 Enter the company name as it appears on the registration.
- 6 Leave this field blank.
- 7 Enter the dealer number.
- 8 Leave this field blank.
- 9 Leave this field blank.
- 10 Check the appropriate box for the type of driver's license the defendant is holding.
- 11 Leave this field blank (used to assign a case number in law enforcement agencies).
- 12 Enter the current home address as found on the driver's license.
- 13 Enter the dealer's address.
- 14 Enter the dealer's telephone number.
- 15 Enter the driver's license number or social security number.
- 16 Enter the issuing state or jurisdiction of the driver's license.
- 17 Check the appropriate box.
- 18 Enter the violator's height as shown on the driver's license. If unavailable, ask the defendant.
- 19 Enter the violator's weight as shown on the driver's license. If unavailable, ask the defendant.

- 20 Enter the violator's hair color as found on the driver's license. If unavailable, check for yourself.
- 21 Enter the violator's eye color as found on the driver's license. If unavailable, check for yourself.
- 22 Enter the violator's date of birth as found on driver's license.
- 23 Enter the vehicle's license number or the last six digits of the VIN.
- 24 Enter the vehicle's base jurisdiction.
- 25 Enter the year of the vehicle.
- 26 Enter the make of the vehicle.
- 27 Enter the model of the vehicle.
- 28 Enter the color of the vehicle.
- 29 Enter the date and time the violation(s) occurred.
- 30 Enter description of the violation and the complete number of the *Idaho Code* section cited.
- 31 Enter another violation if applicable. The second violation must be of the same type (misdemeanor or infraction) as the first violation.
- 32 Enter the name of the municipality, the name of the county road, or the location from the municipality where the violation occurred.
- 33 Enter the highway route number. For example, I-84, US-30, SH-21, etc.
- 34 Enter the milepost number. It may be entered in tenths (e.g. 121.7).
- 35 Enter the county where the violation occurred. It should be the same as #2.
- 36 Enter the date the violation was observed.
- 37 Signature line for the Motor Vehicle Investigator.
- 38 Enter the four-digit badge number of #37 plus the two-digit district code (02,3A, etc.).
- 39 Enter ITD (representing the Idaho Transportation Department).
- 40 Signature line for the witnessing individual, who does not need to be a member of ITD or a law enforcement agency.

- 41 Enter the badge number or the address of #40 as applicable.
- 42 Enter the department of #40 as applicable.
- 43 Enter the Idaho county in which the violation occurred or a county of mutual consent where defendant may appear to plead guilty to the violation.
- 44 Enter the municipality where court is to be held (usually the county seat).
- 45 Enter the courthouse or the address of the courthouse.
- 46 Enter the date when the defendant may appear before a magistrate. It must be at least five business days after the date the violation occurred.
- 47 Enter the month when the defendant may appear before a magistrate.
- 48 Enter the time(s) at which the defendant may appear. Some counties have instructed that this field not specify a time but rather 8:00 AM to 4:00 PM. Check with the clerk of the court for times available.
- 49 Signature line for the defendant. If the defendant refuses to sign, the investigator shall physically deliver the citation as required in *Idaho Code 19-3091*.
- 50 Enter the date that the citation was physically delivered to the defendant.
- 51 The investigator signs the citation on this line to certify that it was physically delivered to the defendant in the case where the defendant refused to sign.

IN THE DISTRICT COURT OF THE JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF .

THE STATE OF IDAHO,

Plaintiff,

AFFIDAVIT

v.

Defendant(s).

State of Idaho,

County of

ss

I, , the undersigned, being first duly sworn on oath, depose and say that:

1. **THAT** he is a peace officer employed by .
2. **THAT** on the day of he initiated a complaint of an Uniform Citation Form against the above named defendant, for the crime of , the report thereof attached hereto and incorporated by reference in this Affidavit, sets forth the basis for probable cause for the arrest or bonding of the named defendant.
3. **THAT the following statement is offered as probable cause if no report is attached:**

Dated this the , day of

Officer _____

SUBSCRIBED AND SWORN TO before me this ____ day of _____

Notary _____

UPON considering the above statement of probable cause, the court hereby finds probable cause to exist for the above offense.

Dated this ____ day of _____,

Magistrate

Appendix 8

"PROCEDURE"	
MOTOR VEHICLE DEALER BOND	
<u>Subject:</u> Cash or Certificate of deposit filed as bond	
<u>ACTOR</u>	<u>ACTION</u>
Dealer, Applicant	<ol style="list-style-type: none"> 1. Delivers complete application and cash/cashier's check or certificate of deposit to the Dealer Team. 2. Receives and reads agreement of understanding indicating how the funds will be administered. 3. If bond is in the form of a CD, applicant signs CD allowing ITD access and control.
Dealer Team	<ol style="list-style-type: none"> 4. Receipts bond funds into cash register and gives receipt to the Dealer, Applicant.
DMV Administration	<ol style="list-style-type: none"> 5. Deposits Funds <ol style="list-style-type: none"> a. If cash, deposits funds with State Treasurer in a suspense <u>non-interest</u> bearing account. If payment is authorized by Director/Dealer Advisory Board, draws claim amount out of special account and retains balance in same account. At end of five year waiting period, refunds balance to Dealer applicant. b. If CD (certificate of deposit), transmits CD to Financial Control. CD must be in the name of Idaho Transportation Department and the Dealership name. Dealer applicant signs CD releasing interest to ITD. c. Secures CD until cashing or return is authorized by Director / Dealer Advisory Board
State Treasurer	<ol style="list-style-type: none"> 6. Processes payment as authorized by Director/Dealer Advisory Board. 7. Deposits remainder of cash from CD with State Treasurer to be held in a suspense <u>non-interest</u> bearing account. At end of five year waiting period, refunds balance to Dealer applicant.

AGREEMENT
CERTIFICATE OF DEPOSIT FILED AS DEALER BOND

1. Certificate of deposit (CD) must be listed in the name of the Dealer/Applicant exactly as the name is to appear on the dealership license.
2. CD must be in the name of the Dealer / Applicant first and the Idaho Transportation Department (ITD) second, thus requiring both signatures to redeem.
3. Dealer/ Applicant must sign CD upon making application to allow ITD access to administer funds.
4. All interest earned on CD belongs to the purchaser of the CD.
5. Upon payment of claim from the CD, the remainder of the funds will be deposited and held in a suspense non-interest bearing account by the State Treasurer until final disposition.
6. CD must be written for at least five (5) years with automatic one (1) year renewals to be sent to ITD.
7. Certificate will be held for five (5) years after the dealer license has been cancelled or suspended by Idaho Transportation Department.

AGREEMENT OF UNDERSTANDING DEALER BONDS

PARTIES: _____

(DEALER); AND

Idaho Transportation Department PO Box 7129 Boise, ID 83707 (Department)

PURPOSE: Idaho Code Section 49-1610, provides that motor vehicle dealers may satisfy the license bond requirements by providing the Department with a corporate surety bond, a cash bond or a Certificate of Deposit. The following shall constitute an understanding of the above parties when cash or Certificate of Deposit is used to satisfy the bonding requirement.

CONDITIONS:

- CASH BONDS.
A cash bond will be accepted only in the form of a cashier's check or money order made payable to the Idaho Transportation Department. Any cash bond will be transmitted to the State Treasurer for deposit in a non-interest bearing trust account. This will be held for five (5) years after a dealer has sold, closed or relinquished the dealer license issued by Idaho Transportation.
- CERTIFICATE OF DEPOSIT.
 - e. Certificate of Deposit must be issued in the name of the dealer and the Idaho Transportation Department. Upon delivery to the Department, the dealer shall endorse the Certificate so that it will be payable to the Department.
 - f. The dealer shall be entitled to retain all interest earned on the Certificate and may make arrangements with the issuer for payment of any interest to the dealer.
 - g. Upon authorization of the payment of the claim by the Dealer Advisory Board, the Certificate shall be cashed and the funds disbursed. Any funds not disbursed shall be placed in a non-interest bearing trust account by the State Treasurer until final disposition of these funds according to law.
 - h. The Certificate of Deposit will be held by Idaho Transportation Department for five (5) years after a dealer has sold, closed or relinquished the dealer license issued by Idaho Transportation Department.

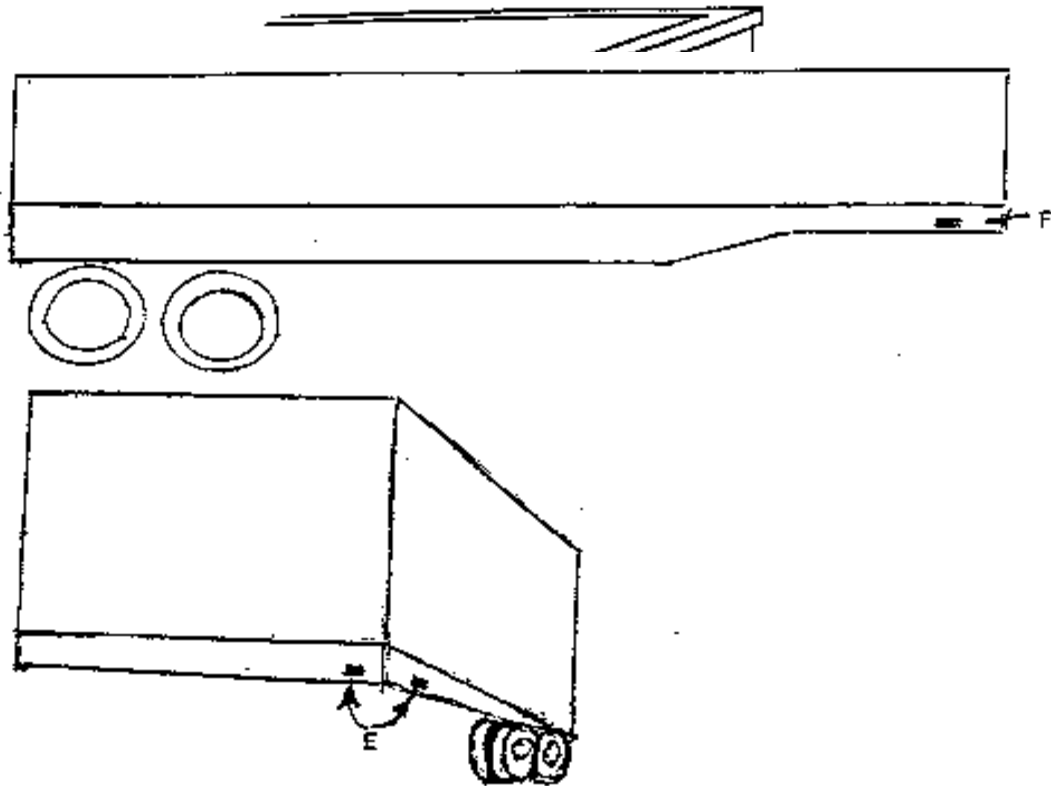
DATED this _____ day of _____, 20____.

Dealer

Idaho Transportation Department
Division of Motor Vehicles

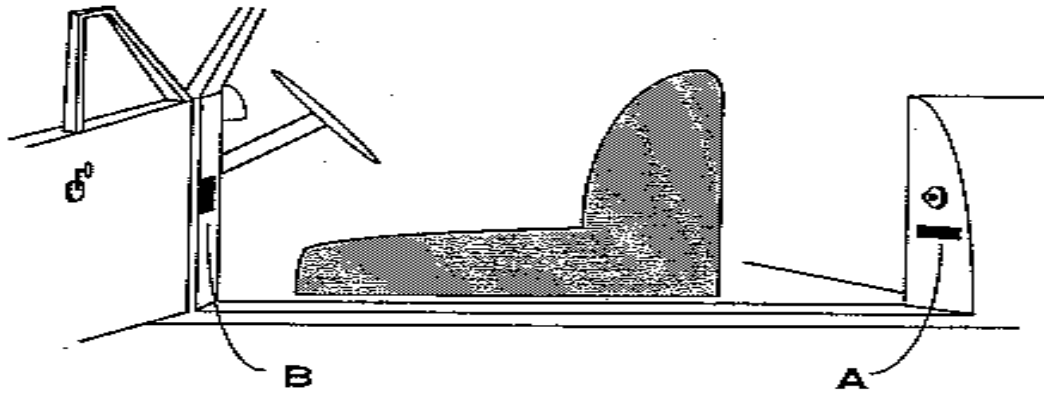
~~LARGE TRAILERS~~
~~TRAILERS~~

COMMONLY USED LOCATIONS



PASSENGER VEHICLES AND TRUCKS

- A Preferred location (on the lock/latch side of the door post under the latch).
- B To be used when location A is not feasible.



MOTORCYCLES

(may also be located under the seat)

