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**IDAPA 39
TITLE 02
CHAPTER 07**

**39.02.07 - RULES GOVERNING TITLING OF SALVAGE, SPECIALLY CONSTRUCTED,
AND RECONSTRUCTED MOTOR VEHICLES**

000. LEGAL AUTHORITY.

Under the authority of Sections 49-201, 49-507 and 49-525, Idaho Code, the Department adopts the following rule. (1-1-90)

001. TITLE AND SCOPE.

01. Title. These rules shall be cited as IDAPA 39.02.07 "Rules Governing Titling of Salvage, Specially Constructed, and Reconstructed Motor Vehicles." (3-30-07)

02. Scope. These rules identify requirements for the classification and titling of motor vehicles defined as reconstructed or repaired, salvage, or specially constructed, pursuant to Section 49-123(2)(l)(m) and (n), Idaho Code. (3-30-07)

002. WRITTEN INTERPRETATIONS.

This agency does not rely on written interpretations for these rules. (3-30-07)

003. ADMINISTRATIVE APPEALS.

All contested cases shall be governed by the provisions of IDAPA 04.11.01. "Idaho Rules of Administrative Procedure of the Attorney General." (3-30-07)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (3-30-07)

005. OFFICE -- OFFICE HOURS -- MAILING AND STREET ADDRESS -- PHONE NUMBERS.

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office for motor vehicle investigations in Boise at 3311 W. State Street with a mailing address of P O Box 7129, Boise ID 83707-1129. (3-30-07)

02. Office Hours. Daily office hours are 8:00 a.m. to 5:00 p.m. except Saturday, Sunday and state holidays. (3-30-07)

03. Telephone and FAX Numbers. The central office may be contacted during office hours by phone at 208-334-8663 or by fax at 208-334-8658. Requests will be directed to the appropriate inspector by location. (3-30-07)

006. PUBLIC RECORDS ACT COMPLIANCE.

All records associated with this chapter are subject to and in compliance with the Idaho Public Records Act, as set forth in Sections 9-337 through 9-350, Idaho Code. (3-30-07)

007. -- 009. (RESERVED).

010. DEFINITIONS.

01. Major Component Parts. The six (6) major component parts which are commonly used to reconstruct a motor vehicle shall be defined solely for reconstruction purposes as follows. (For the purpose of determining major component part damage that requires repair or replacement on salvage vehicles, an inspector may disregard minor damage to cosmetic exterior trim and sheet metal body panels that do not affect the structural integrity of the vehicle.) (3-30-07)

a. Front/Front End Assembly/Front Clip/Nose Section. An integrated section of body structural

component parts located forward of the firewall, i.e. front fender apron, front side member, front suspension cross member, hood lock brace, front cross member, radiator side support (side baffle), radiator upper support, hood and other such parts that may be pertinent to this section and not including a frame section. (1-1-90)

b. Body/Center Passenger Area. The center structure, either of a unibody or frame-type passenger vehicle, consisting of a unit of sheet metal and structural components that extends from the firewall to the back of the rear seat or to the factory seam separating the rear section or the centerline of the rear wheels, i.e. cowl panel, dash panel, floor pans, center side body panels, side rails, rocker panels, and other such component parts that may be pertinent to this section. This major component shall not include the top/roof section of the passenger compartment. (11-1-94)

c. Top/Roof of Passenger Compartment. The top/roof section consisting of sheet metal severing the vehicle joining at the windshield, side and rear window posts, i.e. center pillar upper outer reinforcement, roof side inner rail, roof side outer rail, roof drip channel, roof side inner panel and other such component parts that may be pertinent to this section. (11-1-94)

d. Rear/Rear Clip. The complete rear sheet metal section and structural components formed by severing the vehicle across the floor behind the rear seat, or at the factory seam separating the center passenger section or through the centerline of the rear wheels, i.e. upper back panel, luggage compartment door hinge arm, quarter wheel house panel, quarter panel, lower back panel, rear valance panel, rear floor pan, rear seat cushion support brace, rear floor side panel, rear deck lid, rear floor no. 1 cross member, and other such component parts that may be pertinent to this section. (11-1-94)

e. Frame. The heavy metal structure that supports the auto body and other external component parts on body over-frame constructed vehicles only. For the purposes of this section, damage that is evident between the centerline of the front wheels and the centerline of the rear wheels will be considered major component damage to the frame. Damage to the ends of the frame, front and rear will be considered as minor damage, easily repaired and not considered as major component damage. The typical bolt-on stub frame used on a semi-unitized vehicle will not be considered a separate major component part. (1-1-90)

f. Cab. The passenger compartment of a common truck or pickup truck. It is a unit of sheet metal and structural components including the top/roof and the cowl which may or may not include glass, instrumentation, steering column and seat. (11-1-94)

02. Market Value. The market value is the value of the vehicle, prior to the vehicle receiving damage from the incident that caused the vehicle to be declared salvage. This value will be determined by reference to an official used car guide. For purpose of the rule, Known Market Value, Fair Market Value, Retail Market Value, Actual Cash Value, and Market Value are the same and will be referred to as "Market Value." (3-30-07)

03. Primary Damage. Local damage that occurs at the point of impact on the vehicle. (7-1-90)

04. Secondary Damage. Damage that occurs due to misplaced energy that causes stresses in suspension and/or body dimensions at areas other than the primary impact zone. If the secondary damage area can be repaired or replaced within a six (6) hour period, as indicated in a recognized collision estimating guide, the damage will not be counted as a section or major component part while inspecting for branding considerations. (7-1-90)

05. Significant Parts. For the purpose of this rule, the significant parts are all replaced parts that will require a bill of sale or traceable invoice from the former owner identifying the part by vehicle identification number and identifying the seller by name and address. These parts are the front fenders, hood, doors, bumpers, quarter panels, decklid, tailgate or hatchback (whichever is present). (7-1-90)

011. -- 099. (RESERVED).

100. SPECIALLY CONSTRUCTED VEHICLES.

01. Specially Constructed Vehicle Examples. Some examples of specially constructed vehicles are: Custom built vehicles, such as dune buggies, kit conversions, homemade camp trailers and other homemade trailers

that exceed two thousand (2,000) pounds unladen weight. (1-1-90)

02. Engine, Frame, and Running Gear Changes. A vehicle that has an engine of a different make, model or year from the body, frame and running gear is not considered a specially constructed vehicle. These vehicles retain the original title and identification designation. (1-1-90)

03. Title Application Instructions. (1-1-90)

a. The applicant must provide proof of ownership for all significant parts that are replaced, such as frame, body, and other parts that carry vehicle identification numbers. The frame must have a properly released title and a bill of sale from the former owner. The body only may be transferred with a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are replaced must be verified by traceable invoices identifying the part or parts from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing seller's name and address is required. A Manufacturer's Certificate of Origin (MCO) must accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer is acceptable. (1-1-90)

b. The model year will be the year that the specially constructed vehicle was first titled as a specially constructed vehicle. (1-1-90)

c. The make as shown on the certificate of title of a specially constructed vehicle will be identified as SPCN and the certificate of title will be branded "SPECIALLY CONSTRUCTED." (1-1-90)

d. When the vehicle is in operating condition and in compliance with Chapter 9, Title 49, Idaho Code, an inspection by an authorized inspector is required. A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying affidavit. In addition, if a vehicle identification number is assigned, the fee required by Section 49-202(2)(j), Idaho Code, will be charged. (11-1-94)

101. -- 199. (RESERVED).

200. RECONSTRUCTED VEHICLES OR REPAIRED VEHICLES.

01. Reconstructed or Repaired Vehicle. A reconstructed or repaired vehicle, as defined by Section 49-123 (2)(l), Idaho Code, is: (3-30-07)

a. Every "Salvage Vehicle" that has been rebuilt, reconstructed, repaired, or restored in compliance with Chapter 9, Title 49, Idaho Code, as regulated by Sections 49-524 and 49-525, Idaho Code; or (3-30-07)

b. Every vehicle that is coming into Idaho from another jurisdiction showing evidence of a total loss payoff such as a bill of sale from an insurance company, salvage bill of sale or other documentation indicating that the vehicle may have been severely damaged. These vehicles may not be operated on Idaho highways until rebuilt, reconstructed, repaired, or restored in compliance with Chapter 9, Title 49, Idaho Code, and shall be considered salvage. They shall be issued an Idaho Salvage Certificate and if they are five (5) years old or less, or had a known market value in excess of six-thousand dollars (\$6,000) prior to damage, they must be inspected prior to repair. If any vehicle described in Subsection 200.01 is received by a "salvage pool," a salvage certificate of title must be issued, prior to sale; or (3-30-07)

c. All other vehicles which have been reconstructed by the use of a kit designed to be used to construct an exact replica of a vehicle which was previously constructed under a distinctive name, make, model or type by a generally recognized manufacturer of vehicles including vehicles meeting the definition of a "Street Rod" in 49-120(26), Idaho Code, will receive a "Reconstructed Vehicle" title brand but do not require a "Reconstructed Vehicle" decal. Large trucks rebuilt by the use of a glider kit are not considered to be "Reconstructed Vehicles" under this rule. (11-1-94)

02. Reconstructed or Repaired Vehicle, Exemptions. Motorcycles, motor homes, trailers, all-terrain vehicles and snowmachines are not considered to be reconstructed or repaired vehicles under this rule, regardless of damage, and do not require the issuance of a salvage certificate of title. (11-1-94)

03. Title Application Instructions For Vehicles More Than Five Years Old and Having a Known Market Value of Six Thousand Dollars or Less. (3-30-07)

a. The applicant must provide a written affirmation which includes the vehicle information, vehicle identification numbers, salvage date, and the work done personally by the owner or supervised by the owner to restore the vehicle to the operating condition that existed prior to the event causing the vehicle to be salvaged. (3-30-07)

b. In the event that the applicant did not personally repair the vehicle or supervise its repair, but another party performed the repairs, the applicant shall certify to the best of his knowledge the name of the party that did repair the vehicle or personally supervised its repair. This certification shall be made on a salvage vehicle affidavit. (3-30-07)

c. In the event that repairs were not necessary to bring the vehicle to operating condition pursuant to Chapter 9, Title 49, Idaho Code, the applicant shall certify this on a salvage vehicle affidavit. (3-30-07)

d. The applicant must sign an indemnifying affidavit agreeing to defend the title in all legal disputes arising out of his possession of the title to the vehicle, and attesting to the fact that all information contained in the affidavit or its attachments are true and correct. (3-30-07)

04. Title Application Instructions for Vehicles With an Age of Five Years or Less or Having a Known Market Value in Excess of Six Thousand Dollars. (3-30-07)

a. The applicant must provide proof of ownership for all significant parts used in the construction. Documentation requirements are as follows: The title or titles to the vehicles that were used in the construction; the frame requires the title properly released by the legal owner; and traceable bills of sale or invoices from new or used parts outlets or bills of sale from previous legal owners for all major component and significant parts, except the frame, are acceptable. (3-30-07)

b. When the vehicle is in operating condition and in compliance with Chapter 9, Title 49, Idaho Code, the applicant must submit the vehicle for inspection. The inspector will inspect the VIN(s) and determine if the VIN(s) on the vehicle are properly represented by available titles and/or bills of sale. (11-1-94)

c. The model year and make of the vehicle will be determined in order of priority as follows: Previous primary ownership documents, i.e. certificate of title or salvage certificate to the body; visual identification; or use the frame identification number. (1-1-90)

d. The inspector shall: Assist in preparing an indemnifying affidavit in conjunction with the possessor of the vehicle; And advise the affiant that it is his obligation to insure that the vehicle is maintained in compliance with Chapter 9, Title 49, Idaho Code and that he is agreeing to defend the vehicle in all legal disputes arising out of his possession of the vehicle. (11-1-94)

e. The inspector or county assessor's deputy shall assist the applicant in preparing an application for title. (11-1-94)

05. Inspection Fee. The inspector will charge a fee of twenty-five dollars (\$25) for the inspection and preparation of the documents. If a VIN assignment is made, the fee required by Section 49-202(2)(j), Idaho Code, will also be charged. (3-30-07)

06. Idaho Title Branded. The new Idaho title produced will be branded "RECONSTRUCTED VEHICLE" or "REPAIRED VEHICLE" depending on the severity of the damage. Such notation will remain on the title on all subsequent transfers of the title. (11-1-94)

07. Repaired Vehicle Branded. If the vehicle is a "salvage vehicle," as defined by Section 49-123(2)(m), Idaho Code, and the inspector determines that one (1) major component part has damage and requires repair or replacement, a second or final inspection is required for the purpose of attaching a "REPAIRED VEHICLE"

decal, verification of ownership of all major components and significant parts and collection of the fee required by Section 49-525(3)(b), Idaho Code. The "REPAIRED VEHICLE" decal shall be attached in the vicinity of the driver's door jamb/"B" post, and must be attached prior to application for title. (3-30-07)

08. Reconstructed Vehicle Branded. If the vehicle is a "salvage vehicle," as defined by Section 49-123(2)(m), Idaho Code, and the inspector determines that two (2) or more major component parts are damaged and require repair or replacement, or the vehicle sustained "Flood Damage" as shown in the ownership documentation or insurance adjuster's report, a second or final inspection is required for the purpose of attaching a "RECONSTRUCTED VEHICLE" decal, verification of ownership of all major components and significant parts and collection of the fee required by Section 49-525 3(b), Idaho Code. The "RECONSTRUCTED VEHICLE" decal shall be attached in the vicinity of the driver's door jamb/"B" post, and must be attached prior to application for title. (3-30-07)

09. Salvage Vehicle Damaged Out-of-State. If a vehicle that is titled in Idaho is damaged in another state or jurisdiction to the extent that the vehicle becomes a "salvage vehicle" as defined by Section 49-123(2)(m), Idaho Code, and the vehicle is not going to be returned to Idaho, the owner or insurer must upon determining the vehicle to be salvage, notify the purchaser and the department in writing of the salvage status and that if this vehicle returns to Idaho, the vehicle and the title will be branded "RECONSTRUCTED VEHICLE" or "REPAIRED VEHICLE," as appropriate. If the vehicle has been repaired prior to major component inspection by an authorized vehicle inspector, the vehicle and the certificate of title shall be marked "RECONSTRUCTED VEHICLE." (3-30-07)

10. Salvage Vehicle Age Determination. The age of a salvage vehicle shall be determined by subtracting the model year of the vehicle from the year the damaged vehicle was declared salvage, as evidenced by the salvage certificate, salvage bill of sale, or other documentation showing evidence that the vehicle has been declared salvage. A vehicle may not age out of the salvage vehicle process, regardless of the date of inspection or application. (11-1-94)

201. SPECIALTY VEHICLE MAJOR COMPONENT CONSIDERATION.

01. Van Side/Utility/Sport Vehicles. Some vans/utility/sport vehicles have a division of the REAR END SECTION. The right side and the left side with the inner structure will be considered separate major component parts, if factory seam exists. (NOTE: There are generally six (6) major component parts to a van/utility/sport vehicles.) (11-1-94)

a. NOSE/FRONT END -- Which is everything forward of the firewall/cowl. (11-1-94)

b. BODY/CENTER PASSENGER AREA -- Which is the compartment extending from the firewall back to the rear seat or the factory seam separating the rear sections or the centerline of the rear wheels, and not including the roof section. (11-1-94)

c. TOP/ROOF OF PASSENGER AREA -- The top/roof section consists of sheet metal and structural components covering the passenger area of the vehicle and joining at the windshield, side and rear window post factory connection. (11-1-94)

d. RIGHT REAR END -- Which is the right side, including the inner structure behind the right door opening back to the right rear door and the right side of the floor pan behind the rear factory seam or the centerline of the rear wheels. (11-1-94)

e. LEFT REAR END -- Which is the left side, including the inner structure behind the left door, opening back to the left rear door and the left side of the floor pan behind the rear factory seam or the centerline of the rear wheels. (11-1-94)

f. FRAME -- Treated the same as in a passenger vehicle. (11-1-94)

02. Pickup -- (NOTE: There are generally three (3) major component parts to a pickup.) (11-1-94)

- a. NOSE -- Which is everything forward of the firewall/cowl. (11-1-94)
- b. CAB -- Which is considered as one separate unit. (11-1-94)
- c. FRAME -- This is treated the same as a passenger vehicle. Anything forward of the front wheel center and anything rearward of the back wheel center is exempt. (11-1-94)
- d. SPECIAL CONSIDERATION -- If the PICKUP has a box/bed that is attached to the cab or body of the vehicle, such as in the El Camino, Subaru Brat, and certain VW Pickups, the rear quarter panels will be treated as rear clips and counted as a separate major component part. (11-1-94)

202. MAJOR COMPONENT PARTS CHALLENGE.

Procedure to follow upon receiving a challenge to a major component parts determination. (11-1-94)

01. If Applicant Questions Determination. If an applicant wishes to question the salvage vehicle major component parts determination, the person shall send a written request to the Idaho Transportation Department, Division of Motor Vehicles, at the Boise address within thirty (30) days of the determination and prior to beginning to rebuild the vehicle. (7-1-96)

02. Appointment of Hearing Officer. The department shall appoint a hearing officer to review the major component parts determination and to make a final determination after receiving testimony from the department and the applicant. (11-1-94)

03. Final Determination. The major component parts determination hearing officer shall make the final determination of the major component parts damage, subject to a contested case proceeding. (11-1-94)

203. -- 299. (RESERVED).

300. GLIDER KITS.

01. Title Application Instructions. (1-1-90)

a. An Manufacturer's Certificate of Origin for the glider kit must be submitted with the application for title. (3-30-07)

b. If the applicant dismantles a vehicle presently titled to the applicant and uses the significant parts with the glider kit, a statement of fact will be prepared, identifying the significant parts by identifying numbers. If the significant parts were purchased separately, a bill of sale or invoice from the new or used parts outlet is required. If the major component parts were purchased from a private owner, a bill of sale is required. (1-1-90)

c. If the frame and cab that the parts were stripped from will never be used again, i.e., frame and cab destroyed, not salvageable, the title must be surrendered with the application. If the frame or cab can be used again, the inspector will mark the title "frame only" or "cab only" and note such in the statement of fact. (11-1-94)

d. The vehicle must be completely assembled and meet the requirements of Chapter 9, Title 49, Idaho Code, at the time of inspection. (11-1-94)

02. Assignment of VIN. The VIN will be the number assigned to the kit by the manufacturer. In the absence of such number, the inspector will assign a VIN. (11-1-94)

03. Model Year. The model year will be the year of the kit, determined by priority in the following order: (7-1-90)

a. Seventeen (17) digit VIN year designator; (11-1-94)

b. Designation of model year shown on an approved Manufacturer Certificate of Origin; or (3-30-07)

c. Written statement from the manufacturer. (11-1-94)

04. Make of Vehicle. The make of the vehicle will be the name of the manufacturer of the glider kit. (1-1-90)

05. Title Branded. The designation "GLIDER KIT VEHICLE" will be branded on the title. (7-1-90)

06. Inspection Fee. The inspector will charge a fee of twenty-five dollars (\$25) for the inspection and preparation of documents. If a VIN assignment is made, the fee required by Section 49-202(2)(i), Idaho Code, will also be charged. (11-1-94)

301. -- 399. (RESERVED).

400. BRANDING.

01. Brand Disclosure. Upon sale by a dealer of any salvage vehicle or branded vehicle or branded certificate of title, disclosure of the vehicle's salvage or branded status, shall be conspicuously disclosed to the buyer and a record must be maintained by the dealer. Disclosure may be made on a form as provided by the department for a report of sale. The buyer must sign that they have received disclosure of the vehicle brand. Proof of disclosure must be submitted to the department. (3-30-07)

02. Branding Time Frame. Each branded vehicle and branded certificate of title shall retain that brand throughout the existence of the vehicle regardless of its age or value. (1-1-90)

03. Brands Removed. If any salvage vehicle leaves the state of Idaho with or without an Idaho salvage certificate of title, or if the vehicle had a regular Idaho title showing any brand such as "RECONSTRUCTED VEHICLE," "REPAIRED VEHICLE," "SPECIALLY CONSTRUCTED," "GLIDER KIT VEHICLE," or "JUNK ONLY," and/or a physical "RECONSTRUCTED VEHICLE" or "REPAIRED VEHICLE" decal and such vehicle returns to Idaho without any of the aforementioned brands or decals, all inspections and fees will once again be required and the brands and decals will be replaced as required by Idaho Code and this rule. (7-1-96)

401. -- 999. (RESERVED).

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