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**IDAPA 39
TITLE 02
CHAPTER 12**

**39.02.12 – RULES GOVERNING ISSUING CERTIFICATES OF TITLE
AND BONDED CERTIFICATES OF TITLE**

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Section 49-201, Idaho Code. (4-4-13)

001. TITLE AND SCOPE.

01. Title. This rule shall be cited as IDAPA 39.02.12 “Rules Governing Issuing Certificates of Title and Bonded Certificates of Title.” (4-4-13)

02. Scope. This rule contains guidelines and requirements for issuing certain certificates of title and bonded certificates of title, pursuant to Section 49-523, Idaho Code. (4-4-13)

002. WRITTEN INTERPRETATIONS.

There are no written interpretations for this chapter. (4-4-13)

003. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter shall be governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (4-4-13)

004. INCORPORATION BY REFERENCE.

There are no documents incorporated by reference in this chapter. (4-4-13)

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

01. Street and Mailing Address. The Idaho Transportation Department maintains a central office in Boise at 3311 W. State Street with a mailing address of PO Box 7129, Boise, ID 83707-1129. (4-4-13)

02. Office Hours. Daily office hours are 8 a.m. to 5 p.m. except Saturday, Sunday and state holidays. (4-4-13)

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. (4-4-13)

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 Title 74, Chapter 1, Idaho Code. (4-4-13)

007. -- 099. (RESERVED)

100. GENERAL.

The Department shall issue a Certificate of Title on any vehicle if the applicant can show proper documentation of ownership, there are no undisclosed security interests in the vehicle, and other requirements for titling have been satisfied. Such proper documentation shall be limited to: (4-4-13)

01. Certificate of Title. A valid Idaho Certificate of Title or a valid Certificate of Ownership issued by another state, province or country according to the applicable laws of another state, province or country which has been duly assigned or transferred to the applicant; or (12-26-90)

02. MCO/MSO. A properly executed Manufacturer’s Certificate of Origin (MCO) or Manufacturer’s Statement of Origin (MSO) in the case of a new vehicle being titled for the first time. (4-4-13)

03. Certificate of Registration. A Certificate of Registration from a non-titling state, province or

country, together with a bill of sale from the registrant if other than the applicant. (4-4-13)

04. Transfer by Operation of Law. In the case of a transfer by operation of law, a certified copy of a valid court order, decree, or instrument upon which the claim of possession and ownership is founded, passing title to the applicant as a matter of law (for example: a property settlement, divorce decree, bankruptcy, execution sale, or probate), together with an affidavit by the person or agent of the person to whom possession of the vehicle so passed, setting forth facts entitling him to possession and ownership. (4-4-13)

05. Salvage Vehicles. For a salvage vehicle, a salvage certificate of title or other salvage ownership document issued by another state, province, or country according to the applicable laws of that state, province, or country, duly assigned or transferred to the applicant. (4-4-13)

06. Homemade Vehicles. In the case of homemade vehicles (vehicles not made by a manufacturer as defined by Section 49-114, Idaho Code) a bill of sale for the major component parts which shall include the following information: (12-26-90)

- a. Name of builder; (12-26-90)
- b. Vehicle Identification Number (VIN) or engine number for a motorcycle, if applicable; (12-26-90)
- c. Description of major component part, (by make, body type, year of manufacture, if applicable); (12-26-90)
- d. Purchase price; (12-26-90)
- e. Signature of seller. (12-26-90)

07. Reconstructed and Specially Constructed Vehicles. For a reconstructed vehicle as defined by Section 49-123(m), Idaho Code, or a specially constructed vehicle as defined by Section 49-123(p), Idaho Code, the original ownership document shall be submitted for the vehicle from which the body or cab being used has been taken unless the vehicle is from a state that requires the ownership document to remain with the frame in which case a copy of the ownership document verified to be a true and correct copy of the original, together with a bill of sale from the owner to whom the ownership document was issued if different than the applicant, shall be required. A bill of sale shall also be submitted for any of the following major components used in the vehicle's construction: (4-4-13)

- a. Frame or rails; (12-26-90)
- b. Engine or short block; (12-26-90)
- c. Transmission and/or transfer case; (12-26-90)
- d. Front and rear clips; (12-26-90)
- e. Truck bed or box; or (12-26-90)

101. -- 199. (RESERVED)

200. BONDED TITLE.

Application may be made for a "bonded title" when the applicant has actual possession of the vehicle but is unable to provide proper documentation of ownership. (12-26-90)

01. Proper Documentation Cannot Be Obtained. The applicant must satisfy the Department that proper documentation to obtain a regular title cannot be obtained. However, the applicant must provide sufficient documentation to satisfy the Department that it is more probable than not that the applicant is the owner of the vehicle. (4-4-13)

02. Vehicle Physical Inspection. The applicant must produce the vehicle for a physical inspection by a representative designated by the Department. (12-26-90)

03. Affidavit of Explanation. The applicant must provide an affidavit explaining the reasons for the absence of a valid Certificate of Title or Certificate of Ownership and how the vehicle came into the possession of the applicant. A listing of any liens (loans) or encumbrances against the vehicle, the name of the state, province or country where the vehicle was last titled, or last registered if from a non-titling state, province, or country; and the name under which the vehicle was last titled, or last registered if from a non-titling state, province or country is also required. (4-4-13)

04. Bond Amount. The applicant must provide the Department with a bond in the amount of one (1) and one-half (1/2) times the value of the vehicle or a cash deposit of like amount, as provided in Section 49-523(b), Idaho Code. A cash bond shall be in the form of a cashiers check, money order or certified check made payable to the Idaho Transportation Department. The form of the bond shall conform to the form ITD 3909, Vehicle Ownership Bond, which can be obtained by calling 208-334-8663 during regular business hours. (4-4-13)

05. Vehicle Appraisal. The applicant shall provide an appraisal of the vehicle either by a licensed Idaho automobile dealer on the dealer's letterhead with dealer's number or by a Motor Vehicle Investigator. The appraisal shall reflect the current retail value of the vehicle. This appraisal shall be considered by the Department to determine the value of the vehicle. (4-4-13)

06. Application for Title. The applicant shall apply for title within ninety (90) days of the bond's issuance. Should the application for title occur more than ninety (90) days from the issue date of the bond or any subsequent rider, the applicant shall obtain a rider to provide bond coverage for three (3) years. (4-4-13)

07. Bonded Title Brand. Upon satisfying the department's requirements for a bonded title, the applicant shall be issued a title bearing the brand "Bonded Title" and the brand's expiration date, which shall be three (3) years from the date of issuance of the bond or receipt of the cash deposit. (4-4-13)

201. BOND SURETY.
The bond must be issued by a corporate surety, qualified and licensed to do business in Idaho. (12-26-90)

202. CLAIMS AGAINST THE BOND.
Should any expense, loss or damage occur, for any reason covered by the bond, persons or entities suffering such loss shall make claim directly against the principal (applicant) and the surety. If the applicant has made a cash deposit, any claim shall be made through the Department's Motor Vehicle Administrator. (4-4-13)

203. EXPIRATION OF BONDING REQUIREMENT.
Upon expiration of a three (3) year period from the date of issuance of the bond or receipt of a cash deposit, the bond or cash deposit shall be returned without interest unless the Department has been notified in writing of a pending claim or action to recover on the bond or deposit. If there has been no claim, the applicant shall surrender the bonded title and apply for a Certificate of Title free of the bonded title brand. A Certificate of Title free of the bonded title brand will be issued upon certification of the application and payment of any applicable fees per Idaho Code Title 49, Chapters 2 and 5, and any applicable sales or use tax, per Title 63, Chapter 36, Idaho Code. (4-4-13)

204. RETURN OF BOND PRIOR TO THREE YEAR PERIOD.
The bond or cash deposit shall be returned prior to the three (3) year period if the vehicle is no longer registered in this state, and the Department has not been notified of any claim or action to recover on the bond. (12-26-90)

205. -- 299. (RESERVED)

300. SALES AND USE TAX.

Any sales or use tax shall be paid to the Department or to the county assessor prior to issuance of a bonded title. (12-26-90)

301. -- 999. (RESERVED)

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