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**IDAPA 39
TITLE 02
CHAPTER 07**

**39.02.07 – RULES GOVERNING TITLING OF SALVAGE, SPECIALLY CONSTRUCTED,
REPLICA AND REBUILT SALVAGE 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 are titled IDAPA 39.02.07 “Rules Governing Titling of Salvage, Specially Constructed, Replica and Rebuilt Salvage Motor Vehicles.” (5-8-09)

02. Scope. These rules identify requirements for the classification and titling of motor vehicles defined as rebuilt salvage, or specially constructed, pursuant to Section 49-123(2)(l)(m) (n) (o) and (p), Idaho Code. (5-8-09)

002. WRITTEN INTERPRETATIONS.

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

003. ADMINISTRATIVE APPEALS.

All contested cases will 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 motor vehicle investigator by location. (5-8-09)

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. (3-30-07)

007. -- 009. (RESERVED)

010. DEFINITIONS.

01. Assembled Vehicle. A vehicle which has been constructed using parts from two (2) or more vehicles and has the same appearance as a vehicle that was manufactured under a specific make and model by a manufacturer. Changes may include frame and/or cab changes. See Section 301 for title application requirements. (5-8-09)

02. 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. (5-8-09)

03. 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)

04. Frame. The heavy metal structure that supports the auto body and other external component parts on body over-frame constructed vehicles only. (5-8-09)

05. Replica Street Rod. A vehicle made to replicate any pre-1949 vehicles which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle and other suspension components. The body will resemble the same as the manufacturer's original issue. See Section 301 for title application requirements. (5-8-09)

06. Replica Vehicle. A vehicle made to replicate any vehicle previously manufactured, using metal, fiberglass, or other composite matters. Replica vehicles must look like the original vehicle being replicated but may use a more modern drive train. At a minimum, replica vehicles shall meet the same federal motor vehicle safety and emission standards in effect for the year and type of vehicle being replicated, pursuant to Section 49-123(2)(n), Idaho Code. See Section 301 for title application requirements. (5-8-09)

07. Street Rod Vehicle. Any pre-1949 manufactured vehicle which has had a significant drive train update from a more modern vehicle. Changes may include engine, transmission, rear axle, and other suspension components. The body will be the same as the manufacturer's original issue. See Section 301 for title application requirements. (5-8-09)

011. -- 099. (RESERVED)

100. SPECIALLY CONSTRUCTED VEHICLES.

01. Specially Constructed Vehicle Examples. Some examples of specially constructed vehicles are: Custom built vehicles, such as, kit conversions, homemade camp trailers, other homemade trailers that exceed two thousand (2,000) pounds unladen weight, motorcycles, vessels, snowmobiles, and effective January 1, 2009, slide-in truck-mounted campers. (5-8-09)

02. Engine Changes. A vehicle that has an engine of a different make, model or year from the body, frame and running gear is not considered a specially constructed vehicle. These vehicles retain the original title and identification designation. (5-8-09)

03. Title Application Requirements. (5-8-09)

a. The applicant must provide proof of ownership for all significant parts that are replaced, such as frame, body, and other parts that carry vehicle identification numbers. The body must have a properly released title and a bill of sale from the former owner. The frame only may be transferred with a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are replaced must be verified by traceable invoices identifying the part or parts 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. (5-8-09)

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 SPEN and the certificate of title will be branded "SPECIALLY CONSTRUCTED." (1-1-90)

d. When the vehicle is in operating condition an inspection by a motor vehicle investigator is required.

A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying affidavit. In addition, if a vehicle identification number is assigned, the fee required by Section 49-202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner shall complete a self certification on a form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the Federal Motor Vehicle Safety Standards in effect for the model year. (5-8-09)

101. -- 199. (RESERVED)

200. REBUILT SALVAGE VEHICLES.

01. Rebuilt Salvage Vehicle. A rebuilt salvage vehicle, as defined by Section 49-123 (2)(l), Idaho Code, is: (5-8-09)

a. Every “Salvage or Total Loss Vehicle” that has been rebuilt, in compliance with Chapter 9, Title 49, Idaho Code, as regulated by Sections 49-524 and 49-525, Idaho Code; or (5-8-09)

b. Every vehicle that is coming into Idaho from another jurisdiction on a Salvage Certificate or other equivalent document showing evidence of a total loss payoff such as a bill of sale from an insurance company or other documentation indicating that the vehicle may have been a salvage or total loss vehicle shall be considered salvage. These vehicles may not be operated on Idaho highways until rebuilt in compliance with Chapter 9, Title 49, Idaho Code. They shall be issued an Idaho Salvage Certificate. If any vehicle described in Subsection 200.01, of this rule, is received by a “salvage pool” (as described in Section 49-120(4), Idaho Code), a salvage certificate of title must be issued, prior to sale. Any vehicle which has been declared junk, pursuant to Sections 49-516 and 49-522, Idaho Code, or is coming from another jurisdiction with a similar endorsement, or is designated by the owner or the insurance company as parts only, destroyed, or dismantled, may not be rebuilt for on-road use. (5-8-09)

02. Title Application Requirements for Vehicles Defined as Salvage and Rebuilt Salvage Vehicles. (5-8-09)

a. The applicant must provide a written statement which includes the vehicle information, vehicle identification numbers, salvage date, and the work done personally by the owner or supervised by the owner to restore the vehicle to the operating condition that existed prior to the event causing the vehicle to be salvaged. (5-8-09)

b. In the event that the applicant did not personally repair the vehicle or supervise its repair, but another party performed the repairs, the applicant shall certify to the best of his knowledge the name of the party that did repair the vehicle or personally supervised its repair. This certification shall be made on a salvage vehicle statement. (5-8-09)

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 statement. (5-8-09)

d. The applicant must sign an indemnifying statement agreeing to defend the title in all legal disputes arising out of his possession of the title to the vehicle, and attesting to the fact that all information contained in the statement and its attachments are true and correct. (5-8-09)

e. The new Idaho title issued will be branded “REBUILT SALVAGE.” Such notation will remain on the title and on all subsequent transfers of the title. (5-8-09)

03. Salvage Vehicle Damaged Out-of-State. If a vehicle that is titled in Idaho is damaged in another state or jurisdiction to the extent that the vehicle becomes a “salvage vehicle” as defined by Section 49-123(2)(o), Idaho Code, and the vehicle is not going to be returned to Idaho, the owner or insurer must, upon determining the vehicle to be salvage, notify the purchaser and the department in writing of the salvage status. If this vehicle returns to Idaho, the title will be branded “Rebuilt Salvage” or carry another jurisdiction's comparable brand forward. (5-8-09)

201. -- 299. (RESERVED)

300. GLIDER KITS.

- 01. Title Application Requirements.** (5-8-09)
- a.** A Manufacturer’s Certificate of Origin (MCO) for the glider kit must be submitted with the application for title. (5-8-09)
- 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 motor vehicle investigator will mark the title “frame only” or “cab only” and note such in the statement of fact. (5-8-09)
- d.** The vehicle must be completely assembled and meet the requirements of Chapter 9, Title 49, Idaho Code, and the federal motor vehicle safety standards in effect for the model year at the time of inspection. (5-8-09)
- 02. Assignment of VIN.** The VIN will be the number assigned to the kit by the manufacturer. In the absence of such number, the motor vehicle investigator will assign a VIN. (5-8-09)
- 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 (MCO); or (5-8-09)
- 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 motor vehicle investigator 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. (5-8-09)

301. TITLE APPLICATION REQUIREMENTS FOR REPLICA, STREET RODS, REPLICA STREET RODS, AND ASSEMBLED VEHICLES.

- 01. Applicant Must Provide Proof of Ownership.** The applicant must provide proof of ownership for all significant parts that are used in replicating or assembling the vehicle. The body must have a properly released title and a bill of sale from the previous owner. The frame only may be transferred with a copy of a bill of sale given by the legal owner showing the vehicle identification number (VIN). Other significant parts that are used must be verified by traceable invoices identifying the part or parts from an established new or used parts outlet. If the other significant parts are purchased from a private party, a bill of sale showing the seller’s name and address is required. A Manufacturer’s Certificate of Origin (MCO) must accompany the documents for manufactured kits or if no MCO was issued, a factory invoice or bill of sale from the selling dealer is acceptable. (5-8-09)
- 02. Model Year for Replica Vehicles.** The model year for replica vehicles will be the year that the vehicle replicates. The model year for assembled vehicles will be the model year of the vehicle body. (5-8-09)

03. Inspection by a Motor Vehicle Investigator. When the vehicle is in operating condition an inspection by a motor vehicle investigator is required. A fee of twenty-five dollars (\$25) is required for this inspection and the preparation of the statement of fact and indemnifying statement. In addition, if a vehicle identification number is assigned, the fee required by Section 49-202(2)(j), Idaho Code, will be charged. If the vehicle is eligible to be registered for road use, the owner shall complete a self certification form prescribed by the department stating that the vehicle is in compliance with Chapter 9, Title 49, Idaho Code, and meets the federal motor vehicle safety and emission standards in effect for the model year and type of vehicle. (5-8-09)

305. -- 399. (RESERVED)

400. BRANDING.

01. Brand Definition. 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: (5-8-09)

a. The vehicle has or has had a relevant physical condition, modification, construction, alteration or history of use; or (5-8-09)

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. (5-8-09)

02. Brand Disclosure. (5-8-09)

a. Upon sale by a dealer of any salvage or total loss vehicle or branded vehicle or branded certificate of title, disclosure of the vehicle's salvage or branded status, 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. (5-8-09)

b. Upon sale by a private party of any salvage or total loss 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. (5-8-09)

03. 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)

04. Brands Removed. If any salvage vehicle leaves the state of Idaho with or without an Idaho salvage certificate of title and such vehicle returns to Idaho, it will once again be subject to the requirements under Idaho Code and this rule. If any vehicle leaves the state of Idaho with a regular Idaho title showing any brand and such vehicle returns to Idaho without the brand or an equivalent brand from another jurisdiction, the original Idaho brand will be replaced on the new Idaho title. (5-8-09)

401. -- 999. (RESERVED)

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