

IDAPA 39 – IDAHO TRANSPORTATION DEPARTMENT

Division of Motor Vehicles

39.02.42 – Rules Governing Conditional Vehicle Registration When Proof of Ownership is Insufficient

Who does this rule apply to?

- Vehicle owners with insufficient ownership documentation; and
- Members of the public and specifically vehicle owners

What is the purpose of this rule?

Rule provides for a conditional registration period for vehicle owners who are unable to provide all titling requirements at the first time of title application for transfer of ownership. Allows owners to be issued a conditional “registration only” to operate the vehicle for a one-year period, in order to gather necessary requirements to complete the title application.

What is the legal authority for the agency to promulgate this rule?

This rule implements the following statutes passed by the Idaho Legislature:

Motor Vehicles -
Vehicle Titles:

- [49-501, Idaho Code](#) – Titling Requirements - Exemptions
- [49-507, Idaho Code](#) – Departmental Regulations for Transfer of Vehicles – Appointment of Deputies and Assistants
- [49-523, Idaho Code](#) – Procedure When Department Unsatisfied as to Ownership or Security Interests – Temporary Registration Procedure

Who do I contact for more information on this rule?

Idaho Transportation Department
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**39.02.42 – RULES GOVERNING CONDITIONAL VEHICLE REGISTRATION
WHEN PROOF OF OWNERSHIP IS INSUFFICIENT**

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-501, 49-507 and 49-523, Idaho Code. (3-31-22)

001. TITLE AND SCOPE.

01. Title. This rule is cited as IDAPA 39.02.42, “Rules Governing Conditional Vehicle Registration When Proof of Ownership is Insufficient.” (3-31-22)

02. Scope. The purpose of this rule establishes conditional vehicle registration when the applicant does not have sufficient proof of ownership. This rule provides operating privileges for a specific time period and does not apply to Idaho licensed dealers, non-residents of Idaho; or owners and/or operators of non-Idaho based commercial vehicles operated in interstate commerce under the various proportional registration plans or agreements with other states of which Idaho is a participant. (3-31-22)

002. ADMINISTRATIVE APPEALS.

Administrative appeals under this chapter are governed by the rules of administrative procedure of the attorney general, IDAPA 04.11.01, “Idaho Rules of Administrative Procedure of the Attorney General.” (3-31-22)

003. -- 099. (RESERVED)

100. GENERAL PROVISIONS FOR INSUFFICIENT PROOF OF OWNERSHIP INCLUDES.

01. Vehicle Record. The vehicle for which record of ownership is unavailable; (3-31-22)

02. Title. The applicant does not have the title from the previous owner; (3-31-22)

03. Release of Interest. The previous owner of record has not released interest in the title; (3-31-22)

04. Bill of Sale. The possessor has the unreleased title but does not have a bill of sale to support transfer of ownership; (3-31-22)

05. Vehicle Identification Number. The title vehicle identification number (VIN) and the VIN on the vehicle do not match (except for obvious typographical errors); or (3-31-22)

06. Documentation for Component Part. Component parts of a homemade, reconstructed or specially constructed vehicle cannot be documented. (3-31-22)

101. -- 199. (RESERVED)

200. PROCEDURE.

01. Conditional Registration. “Registration Only” (conditional registration until titling requirements are met) may be processed for a one (1) year period without benefit of title. “Registration Only” will not be issued on vehicles with altered VINs, vehicles confirmed as stolen or vehicles where there is a recorded and unpaid lien. (3-31-22)

02. Conditional Registration Procedure. “Registration Only” procedure is as follows: (3-31-22)

a. VIN Inspection: The vehicle must be inspected by an agent of the county assessor’s office or a city, county or state peace officer. The inspecting officer will verify the identification number and provide the applicant with a signed inspection form containing the vehicle description, other pertinent information and recommendations. If the VIN has been altered or is missing, the officer may ask for the assistance of a motor vehicle investigator before issuing the VIN inspection. (3-31-22)

b. Indemnifying Affidavit. The “Registration Only” applicant will complete an indemnifying affidavit explaining how and where the vehicle came into the applicant’s possession, and why proper documentation is not available. The indemnifying affidavit must be signed, and fully indemnify and save harmless the department. (3-31-22)

c. Registration of the Vehicle: The vehicle may be registered for one (1) year. The title block of the

registration document will show “Reg Only” in bold letters. The applicant must obtain adequate proof of ownership prior to the expiration of the registration period. The one (1) year “Registration Only” period will not be extended. (3-31-22)

d. The county will hold the VIN inspection and the indemnifying affidavit in file until the applicant complies with requirements in Subsection 200.04. (3-31-22)

03. Applicant Responsibility. By the expiration of the “Registration Only” period, the applicant must present a properly executed title and bill of sale for the vehicle or apply for a bonded or conditional title. (3-31-22)

04. Action by the County Assessor. When the applicant has complied with Subsection 200.03, the county assessor will pull the VIN inspection and indemnifying affidavit from their file; prepare an Application for Title; and submit the application form with the title, bill of sale, indemnifying affidavit and VIN inspection for title processing. (3-31-22)

05. Proof of Ownership. If the applicant cannot prove ownership within the one (1) year “Registration Only” period, no further registration (permanent or temporary) will be issued until after the title requirement is met. (3-31-22)

201. -- 999. (RESERVED)