

## **IC 9-17-2**

### Chapter 2. General Procedures for Obtaining Certificates of Title

#### **IC 9-17-2-0.5**

##### **"Registered importer"**

Sec. 0.5. As used in this chapter, "registered importer" means a person that is:

- (1) registered as an importer with the National Highway Traffic Safety Administration;
- (2) a licensed dealer currently in good standing with the state; and
- (3) a validated member of the United States Department of Homeland Security's Customs-Trade Partnership Against Terrorism (C-TPAT) administered by the United States Customs and Border Protection.

*As added by P.L.107-2008, SEC.9; P.L.131-2008, SEC.37.*

#### **IC 9-17-2-1**

##### **Time period; vehicles requiring certificates; proof of residency**

Sec. 1. (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.

(b) Within sixty (60) days after becoming an Indiana resident, a person must obtain a certificate of title for all vehicles owned by the person that:

- (1) are subject to the motor vehicle excise tax under IC 6-6-5;
- or
- (2) are off-road vehicles;

and that will be operated in Indiana.

(c) Within sixty (60) days after becoming an Indiana resident, a person shall obtain a certificate of title for all commercial vehicles owned by the person that:

- (1) are subject to the commercial vehicle excise tax under IC 6-6-5.5;
- (2) are not subject to proportional registration under the International Registration Plan; and
- (3) will be operated in Indiana.

(d) Within sixty (60) days after becoming an Indiana resident, a person must obtain a certificate of title for all recreational vehicles owned by the person that:

- (1) are subject to the excise tax imposed under IC 6-6-5.1; and
- (2) will be operated in Indiana.

(e) A person must produce evidence concerning the date on which the person became an Indiana resident.

*As added by P.L.2-1991, SEC.5. Amended by P.L.181-1999, SEC.10; P.L.219-2005, SEC.4; P.L.131-2008, SEC.38.*

#### **IC 9-17-2-1.5**

##### **Title for off-road vehicle; exception**

Sec. 1.5. (a) This section does not apply to an off-road vehicle that is at least five (5) model years old.

(b) A person who purchases an off-road vehicle after December 31, 2005, must obtain a certificate of title for the off-road vehicle from the bureau.

*As added by P.L.219-2005, SEC.5.*

### **IC 9-17-2-2**

#### **Application; contents**

Sec. 2. (a) A person applying for a certificate of title for a vehicle must submit an application on a form furnished by the bureau that contains the following information:

- (1) A full description of the vehicle.
- (2) A statement of the person's title and of any lien or encumbrance on the vehicle.
- (3) Other information the bureau requires.

(b) This subsection applies only to an individual who receives an interest in a vehicle under IC 9-17-3-9. To obtain a certificate of title for the vehicle, the individual must do the following:

- (1) Surrender the certificate of title designating the individual as a transfer on death beneficiary.
- (2) Submit proof of the transferor's death.
- (3) Submit an application for a certificate of title on a form furnished by the bureau that meets the requirements of subsection (a).

*As added by P.L.2-1991, SEC.5. Amended by P.L.83-2008, SEC.3.*

### **IC 9-17-2-3**

#### **Oath and affirmation; signature; transfer statement**

Sec. 3. (a) The form described under section 2 of this chapter must include the following printed statement:

"I swear or affirm that the information I have entered on this form is correct. I understand that making a false statement on this form may constitute the crime of perjury."

(b) The person applying for the certificate of title must sign the form directly below the printed statement.

(c) The form described under section 2 of this chapter must include the statement required by IC 9-17-3-3.2.

*As added by P.L.2-1991, SEC.5. Amended by P.L.131-2008, SEC.39.*

### **IC 9-17-2-4**

#### **Certificates of title previously issued; manufacturer's certificate of origin**

Sec. 4. If a certificate of title:

- (1) has been previously issued for a vehicle in Indiana, an application for a certificate of title must be accompanied by the previously issued certificate of title, unless otherwise provided; or
- (2) has not previously been issued for a vehicle in Indiana, an application for a certificate of title must be accompanied by a manufacturer's certificate of origin as provided in IC 9-17-8, unless otherwise provided.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-5**

##### **Out-of-state vehicles brought into Indiana; documents accompanying application**

Sec. 5. If an application for a certificate of title is for a vehicle or off-road vehicle brought into Indiana from another state, the application must be accompanied by:

- (1) the certificate of title issued for the vehicle or off-road vehicle by the other state if the other state has a certificate of title law;
- (2) a sworn bill of sale or dealer's invoice fully describing the vehicle or off-road vehicle and the most recent registration receipt issued for the vehicle or off-road vehicle if the other state does not have a certificate of title law; or
- (3) other information that the bureau requires, if the other state does not have a certificate of title or registration law that pertains to the vehicle or off-road vehicle.

*As added by P.L.2-1991, SEC.5. Amended by P.L.219-2005, SEC.6.*

#### **IC 9-17-2-6**

##### **Vehicles weighing 16,000 pounds or less; odometer reading; false information; bureau immunity**

Sec. 6. (a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(b)(2) or 1.5 of this chapter.

(b) A certificate of title issued for a vehicle that is required to be registered under this title at a declared gross weight of sixteen thousand (16,000) pounds or less must contain the odometer reading of the vehicle in miles or kilometers as of the date of sale or transfer of the vehicle.

(c) A person may not knowingly furnish to the bureau odometer information that does not accurately indicate the total recorded miles or kilometers on the vehicle.

(d) The bureau and its license branches are not subject to a criminal or civil action by a person for an invalid odometer reading on a certificate of title.

*As added by P.L.2-1991, SEC.5. Amended by P.L.95-1997, SEC.1; P.L.219-2005, SEC.7.*

#### **IC 9-17-2-7**

##### **Evidence of title; retention by bureau**

Sec. 7. The bureau shall retain the evidence of title presented by a person upon which the Indiana certificate of title is issued.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-8**

##### **Review of application by bureau; reasonable diligence**

Sec. 8. The bureau shall use reasonable diligence in determining if the facts stated in an application for a certificate of title are true.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-9**

##### **Registration; application; transfer of current registration**

Sec. 9. (a) This section does not apply to a motor vehicle requiring a certificate of title under section 1(b)(2) or 1.5 of this chapter.

(b) A person applying for a certificate of title must:

- (1) apply for registration of the vehicle described in the application for the certificate of title; or
- (2) transfer the current registration of the vehicle owned or previously owned by the person.

*As added by P.L.2-1991, SEC.5. Amended by P.L.219-2005, SEC.8; P.L.1-2007, SEC.82.*

#### **IC 9-17-2-10**

##### **Issuance of certificate; conditions**

Sec. 10. If the bureau is satisfied that the person applying for a certificate of title is the owner of the vehicle or is otherwise entitled to have the vehicle registered in the person's name, the bureau may issue a certificate of title for the vehicle.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-11**

##### **Delivery of certificate; lien or encumbrance**

Sec. 11. (a) The bureau shall deliver a certificate of title to the person who owns the vehicle if no lien or encumbrance appears on the certificate of title.

(b) If a lien or an encumbrance appears on the vehicle, the bureau shall deliver the certificate of title to the person named to receive the certificate of title in the application for the certificate of title.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-12 Version a**

##### **Inspection of vehicle**

*Note: This version of section effective until 1-1-2012. See also following version of this section, effective 1-1-2012.*

Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

- (1) been in business for not less than five (5) years; and
- (2) sold not less than one hundred fifty (150) motor vehicles during the preceding calendar year.

(b) This section does not apply to the following:

- (1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.
- (2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.
- (3) A motor vehicle that is registered under the International Registration Plan.
- (4) A motor vehicle that is titled in the name of a financial

institution, lending institution, or insurance company in Canada and imported by a registered importer, if:

(A) the registered importer complies with section 12.5(a) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(5) A motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company, if:

(A) the financial institution, lending institution, or insurance company complies with section 12.5(b) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

(1) An employee of a dealer designated by the secretary of state to perform an inspection.

(2) A military policeman assigned to a military post in Indiana.

(3) A police officer.

(4) A designated employee of the bureau.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

(1) Make a record of inspection upon the application form prepared by the bureau.

(2) Verify the facts set out in the application.

*As added by P.L.2-1991, SEC.5. Amended by P.L.81-1991, SEC.4; P.L.117-1993, SEC.1; P.L.113-1995, SEC.1; P.L.2-1996, SEC.222; P.L.106-2008, SEC.3; P.L.107-2008, SEC.10; P.L.131-2008, SEC.40; P.L.1-2009, SEC.78.*

## **IC 9-17-2-12 Version b**

### **Inspection of vehicle**

*Note: This version of section effective 1-1-2012. See also preceding version of this section, effective until 1-1-2012.*

Sec. 12. (a) As used in this section, "dealer" refers to a dealer that has:

(1) been in business for not less than five (5) years; and

(2) sold not less than one hundred fifty (150) motor vehicles during the preceding calendar year.

(b) This section does not apply to the following:

(1) A new motor vehicle or recreational vehicle sold by a dealer licensed by the state.

(2) A motor vehicle or recreational vehicle transferred or assigned on a certificate of title issued by the bureau.

(3) A motor vehicle that is registered under the International Registration Plan.

(4) A motor vehicle that is titled in the name of a financial institution, lending institution, or insurance company in Canada

and imported by a registered importer, if:

(A) the registered importer complies with section 12.5(a) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(5) A motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company, if:

(A) the financial institution, lending institution, or insurance company complies with section 12.5(b) of this chapter; and

(B) section 12.5(d) of this chapter does not apply to the motor vehicle.

(c) An application for a certificate of title for a motor vehicle or recreational vehicle may not be accepted by the bureau unless the motor vehicle or recreational vehicle has been inspected by one (1) of the following:

(1) An employee of a dealer designated by the secretary of state to perform an inspection.

(2) A military policeman assigned to a military post in Indiana.

(3) A police officer.

(4) A designated employee of the bureau.

(5) An employee of a qualified person operating under a contract with the commission under IC 9-16-1-4 for operation of a full service license branch.

(6) An employee of a qualified person operating under a contract with the commission under IC 9-16-1-4.5 for operation of a partial service license branch.

(d) A person described in subsection (c) inspecting a motor vehicle, semitrailer, or recreational vehicle shall do the following:

(1) Make a record of inspection upon the application form prepared by the bureau.

(2) Verify the facts set out in the application.

*As added by P.L.2-1991, SEC.5. Amended by P.L.81-1991, SEC.4; P.L.117-1993, SEC.1; P.L.113-1995, SEC.1; P.L.2-1996, SEC.222; P.L.106-2008, SEC.3; P.L.107-2008, SEC.10; P.L.131-2008, SEC.40; P.L.1-2009, SEC.78; P.L.109-2011, SEC.2.*

### **IC 9-17-2-12.5**

#### **Documentation required for issuance of certificate of title without inspection**

Sec. 12.5. (a) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in the name of a financial institution, a lending institution, or an insurance company in Canada and imported by a registered importer without requiring an inspection under section 12(c) of this chapter if the registered importer presents the bureau with the following documentation relating to the motor vehicle:

(1) A copy of the registered importer's validation agreement issued by the United States Customs and Border Protection (CBP).

(2) A copy of the entry summary issued by the United States Customs and Border Protection (CBP Form 7501).

(3) A vehicle history report issued by an independent provider of vehicle history information that includes:

- (A) the vehicle's title information;
- (B) the vehicle's odometer readings; and
- (C) the number of owners of the vehicle.

(b) Except as provided in subsection (d), the bureau may accept an application for a certificate of title for a motor vehicle that is titled in another state and is in the lawful possession of a financial institution, a lending institution, or an insurance company if the financial institution, lending institution, or insurance company presents to the bureau a vehicle history report issued by an independent provider of vehicle history information that includes:

- (1) the motor vehicle's title information;
- (2) the motor vehicle's odometer readings; and
- (3) the number of owners of the motor vehicle.

(c) A:

- (1) registered importer; or
- (2) financial institution, a lending institution, or an insurance company;

must maintain a copy of all documentation required by this section for at least ten (10) years.

(d) An inspection of a motor vehicle described in subsection (a) or (b) is required under section 12(c) of this chapter if:

- (1) the registered importer; or
- (2) the financial institution, lending institution, or insurance company;

is unable to provide the bureau with the documentation required by this section.

*As added by P.L.107-2008, SEC.11; P.L.131-2008, SEC.41.*

### **IC 9-17-2-13**

#### **Operation of motor vehicle; requirements; out-of-state vehicles; violation**

Sec. 13. (a) Except as provided in subsection (b), a person may not operate or permit to be operated upon the highways a motor vehicle, semitrailer, or recreational vehicle under an Indiana registration number unless a certificate of title has been issued under this chapter for the motor vehicle, semitrailer, or recreational vehicle.

(b) A person may operate a motor vehicle, semitrailer, or recreational vehicle upon highways without an Indiana certificate of title if the motor vehicle, semitrailer, or recreational vehicle:

- (1) is:
  - (A) fully titled and registered in another state; and
  - (B) operating under an Indiana trip permit or temporary registration; or
- (2) is registered under apportioned registration of the International Registration Plan and based in a state other than Indiana.

(c) A person who owns a motor vehicle, semitrailer, or recreational vehicle may declare Indiana as the person's base without obtaining an Indiana certificate of title if:

- (1) the person's state of residence is not a member of the International Registration Plan; and
- (2) the person presents satisfactory proof of ownership from the resident state.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-14**

##### **Violation of chapter; Class C infraction; Class B infraction**

Sec. 14. (a) Except as provided in:

- (1) subsection (b);
- (2) section 15 of this chapter; and
- (3) section 16 of this chapter;

a person who violates this chapter commits a Class C infraction.

(b) A person who violates section 6 of this chapter commits a Class B infraction.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-15**

##### **Sale, purchase, or possession of certificate not issued by bureau; Class C infraction**

Sec. 15. A person who knowingly sells, offers to sell, buys, possesses, or offers as genuine a certificate of title for a motor vehicle, semitrailer, or recreational vehicle that is required to be issued by the bureau and has not been issued by the:

- (1) bureau under this article; or
- (2) appropriate governmental authority of another state;

commits a Class C misdemeanor.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-16**

##### **Counterfeits and false reproductions; Class B misdemeanor; suspension of license**

Sec. 16. (a) A person who counterfeits or falsely reproduces a certificate of title for a motor vehicle, semitrailer, or recreational vehicle with intent to:

- (1) use the certificate of title; or
- (2) permit another person to use the certificate of title;

commits a Class B misdemeanor.

(b) The bureau shall suspend the driver's license or permit of a person who uses or possesses a certificate of title described under subsection (a) for ninety (90) days. This mandatory suspension is in addition to sanctions provided in IC 9-30-4-9.

*As added by P.L.2-1991, SEC.5.*

#### **IC 9-17-2-17**

##### **Off-road vehicle; registration required with department of natural resources**

Sec. 17. A certificate of title issued under this chapter does not relieve an owner of an off-road vehicle from any registration requirement for the off-road vehicle under IC 14-16-1.

*As added by P.L.219-2005, SEC.9.*