

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

#### **Chapter 3. Expiration, Replacement, and Transfer of Certificates of Title**

### **IC 9-17-3-0.5**

#### **"Third party"**

Sec. 0.5. As used in this chapter, "third party" means a person having possession of a certificate of title for a:

- (1) motor vehicle;
- (2) semitrailer; or
- (3) recreational vehicle;

because the person has a lien or an encumbrance indicated on the certificate of title.

*As added by P.L.268-2003, SEC.7.*

### **IC 9-17-3-1**

#### **Validity of title; renewal**

Sec. 1. (a) A certificate of title is valid for as long as the vehicle for which the certificate of title has been issued is owned or held by the person who originally held the certificate of title.

(b) A certificate of title does not have to be renewed except as otherwise provided.

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

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

#### **Loss, mutilation, or destruction; application for duplicate; requirements**

Sec. 2. (a) If a certificate of title:

- (1) is lost;
- (2) is mutilated;
- (3) is destroyed; or
- (4) becomes illegible;

the person who owns the vehicle or the legal representative or legal successor in interest of the person who owns the vehicle for which the certificate of title was issued, as shown by the records of the bureau, shall immediately apply for and may obtain a duplicate certificate of title.

(b) To obtain a duplicate certificate of title under subsection (a), a person must:

- (1) furnish information satisfactory to the bureau concerning the loss, mutilation, destruction, or illegibility of the certificate of title; and
- (2) pay the fee provided under IC 9-29.

(c) The word "duplicate" shall be printed or stamped in ink on the face of a certificate of title issued under this section.

(d) When a duplicate certificate of title is issued, the previous certificate of title becomes void.

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

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

**Transfer of title; sale of vehicle without certificate of title; failure to deliver certificate of title**

Sec. 3. (a) If a vehicle for which a certificate of title has been issued is sold or if the ownership of the vehicle is transferred in any manner other than by a transfer on death conveyance under section 9 of this chapter, the person who holds the certificate of title must do the following:

(1) Endorse on the certificate of title an assignment of the certificate of title with warranty of title, in a form printed on the certificate of title, with a statement describing all liens or encumbrances on the vehicle.

(2) Except as provided in subdivisions (4) and (5), deliver the certificate of title to the purchaser or transferee at the time of the sale or delivery to the purchaser or transferee of the vehicle, if the purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(3) Unless the vehicle is being sold or transferred to a dealer licensed under IC 9-23-2, complete all information concerning the purchase on the certificate of title, including, but not limited to:

(A) the name and address of the purchaser; and

(B) the sale price of the vehicle.

(4) In the case of a sale or transfer between vehicle dealers licensed by this state or another state, deliver the certificate of title within twenty-one (21) days after the date of the sale or transfer.

(5) Deliver the certificate of title to the purchaser or transferee within twenty-one (21) days after the date of sale or transfer to the purchaser or transferee of the vehicle, if all of the following conditions exist:

(A) The seller or transferor is a vehicle dealer licensed by the state under IC 9-23.

(B) The vehicle dealer is not able to deliver the certificate of title at the time of sale or transfer.

(C) The vehicle dealer reasonably believes that it will be able to deliver the certificate of title, without a lien or an encumbrance on the certificate of title, within the twenty-one (21) day period.

(D) The vehicle dealer provides the purchaser or transferee with an affidavit under section 3.1 of this chapter.

(E) The purchaser or transferee has made all agreed upon initial payments for the vehicle, including delivery of a trade-in vehicle without hidden or undisclosed statutory liens.

(b) A licensed dealer may offer for sale a vehicle for which the dealer does not possess a certificate of title, if the dealer can comply with subsection (a)(4) or (a)(5) at the time of the sale.

(c) A vehicle dealer who fails to deliver a certificate of title within the time specified under this section is subject to the following civil

penalties:

- (1) One hundred dollars (\$100) for the first violation.
- (2) Two hundred fifty dollars (\$250) for the second violation.
- (3) Five hundred dollars (\$500) for all subsequent violations.

Payment shall be made to the secretary of state and deposited in the state general fund. In addition, if a purchaser or transferee does not receive a valid certificate of title within the time specified by this section, the purchaser or transferee shall have the right to return the vehicle to the vehicle dealer ten (10) days after giving the vehicle dealer written notice demanding delivery of a valid certificate of title and the dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the vehicle to the dealer in the same or similar condition as delivered to the purchaser or transferee under this section, the vehicle dealer shall pay to the purchaser or transferee the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount paid to the dealer by the purchaser.

(d) For purposes of this subsection, "timely deliver", with respect to a third party, means to deliver to the purchaser or transferee with a postmark dated or hand delivered not more than ten (10) business days after there is no obligation secured by the vehicle. If the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver a valid certificate of title to the dealer, the dealer is entitled to claim against the third party one hundred dollars (\$100). If:

- (1) the dealer's inability to timely deliver a valid certificate of title results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the dealer; and
- (2) the failure continues for ten (10) business days after the dealer gives the third party written notice of the failure;

the dealer is entitled to claim against the third party all damages sustained by the dealer in rescinding the dealer's sale with the purchaser or transferee, including the dealer's reasonable attorney's fees.

(e) If a vehicle for which a certificate of title has been issued by another state is sold or delivered, the person selling or delivering the vehicle must deliver to the purchaser or receiver of the vehicle a proper certificate of title with an assignment of the certificate of title in a form prescribed by the bureau.

(f) The original certificate of title and all assignments and subsequent reissues of the certificate of title shall be retained by the bureau and appropriately classified and indexed in the most convenient manner to trace title to the vehicle described in the certificate of title.

(g) A dealer shall make payment to a third party to satisfy any obligation secured by the vehicle within five (5) days after the date of sale.

*As added by P.L.2-1991, SEC.5. Amended by P.L.60-1994, SEC.1; P.L.2-1995, SEC.42; P.L.59-1998, SEC.1; P.L.268-2003, SEC.8;*

*P.L.97-2004, SEC.37; P.L.106-2008, SEC.4; P.L.83-2008, SEC.4; P.L.131-2008, SEC.42; P.L.1-2009, SEC.79.*

**IC 9-17-3-3.1**

**Affidavit of transferring vehicle dealer**

Sec. 3.1. The affidavit required by section 3(a)(5) of this chapter shall be printed in the following form:

STATE OF INDIANA )  
 ) ss:  
COUNTY OF \_\_\_\_\_ )

I affirm under the penalties for perjury that all of the following are true:

- (1) That I am a dealer licensed under IC 9-23.
- (2) That I cannot deliver a valid certificate of title to the retail purchaser of the vehicle described in paragraph (3) at the time of sale of the vehicle to the retail purchaser. The identity of the previous seller or transferor is \_\_\_\_\_ . Payoff of lien was made on (date)\_\_\_\_\_. I expect to deliver a valid and transferable certificate of title not later than (date)\_\_\_\_\_ from the (State of)\_\_\_\_\_ to the purchaser.

- (3) That I will undertake reasonable commercial efforts to produce the valid certificate of title. The vehicle identification number is \_\_\_\_\_.

Signed \_\_\_\_\_, Dealer

By \_\_\_\_\_

Dated \_\_\_\_\_, \_\_\_\_\_

CUSTOMER ACKNOWLEDGES RECEIPT OF A COPY OF THIS AFFIDAVIT.

\_\_\_\_\_  
Customer Signature

**NOTICE TO THE CUSTOMER**

If you do not receive a valid certificate of title within the time specified by this affidavit, you have the right to return the vehicle to the vehicle dealer ten (10) days after giving the vehicle dealer written notice demanding delivery of a valid certificate of title and after the vehicle dealer's failure to deliver a valid certificate of title within that ten (10) day period. Upon return of the vehicle to the vehicle dealer in the same or similar condition as when it was delivered to you, the vehicle dealer shall pay you the purchase price plus sales taxes, finance expenses, insurance expenses, and any other amount that you paid to the vehicle dealer.

If a lien is present on the previous owner's certificate of title, it is the responsibility of the third party lienholder to timely deliver the certificate of title in the third party's possession to the dealer not more than ten (10) business days after there is no obligation secured by the vehicle. If the dealer's inability to deliver a valid certificate of title to you within the above-described ten (10) day period results from the acts or omissions of a third party who has failed to timely deliver the certificate of title in the third party's possession to the

dealer, the dealer may be entitled to claim against the third party the damages allowed by law.

*As added by P.L.60-1994, SEC.2. Amended by P.L.268-2003, SEC.9; P.L.131-2008, SEC.43; P.L.42-2011, SEC.23; P.L.197-2011, SEC.35.*

### **IC 9-17-3-3.2**

#### **Transfer statement language for certificate of title applications**

Sec. 3.2. The form furnished by the bureau under IC 9-17-2-2 must contain the following language immediately below the signature of the seller:

"If this vehicle is sold or transferred to a person other than a dealer licensed in Indiana, the seller or transferor is required to fill in all blanks relating to buyer information, including the sale price. The knowing or intentional failure of the seller or transferor to fill in all buyer information is a Class A misdemeanor or a Class D felony for the second or subsequent offense under IC 9-17-3-7(c)(2)."

*As added by P.L.131-2008, SEC.44.*

### **IC 9-17-3-3.5**

#### **Buyback vehicles; certificate of title**

Sec. 3.5. (a) This section applies to a vehicle for which a certificate of title is required to be obtained under IC 24-5-13.5-12.

(b) The bureau shall do the following:

(1) For a subsequent request for a new certificate of title for a buyback vehicle, whether titled in Indiana or any other state, cause the words "Manufacturer Buyback – Disclosure on File" to appear on the face of the new certificate of title.

(2) Maintain a listing of all reported buyback vehicles in accordance with this section, maintain a record of the disclosure document required by IC 24-5-13.5-10(3), and allow access to the listing and disclosure document upon written application.

*As added by P.L.65-1992, SEC.2. Amended by P.L.1-1993, SEC.53; P.L.118-1993, SEC.1; P.L.1-1994, SEC.39.*

### **IC 9-17-3-4**

#### **Members of armed forces; transfer of title; procedure**

Sec. 4. (a) A certificate of title for a vehicle held by an Indiana resident who is serving in the armed forces of the United States may be transferred by the resident to another person if the resident authorizes the transfer by a letter signed by the resident.

(b) When the bureau receives the letter described in subsection (a), the bureau may make the transfer to the person named in the letter.

(c) Whenever a transfer described in subsection (a) is made, the letter:

(1) must be attached to the certificate of title being transferred;  
and

(2) becomes a permanent record of the bureau.

(d) The bureau shall use reasonable diligence in determining if the signature of the person who signed the letter described in subsection (a) authorizing the transfer is the signature of the person.

(e) If the bureau is satisfied that the signature is the signature of the person who owns the vehicle described in the certificate of title, the bureau shall issue an appropriate certificate of title over the signature of the bureau and sealed with the seal of the bureau to the person named in the letter.

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

### **IC 9-17-3-5**

#### **Sale of vehicle under order of court or statutory provision; application for certificate; evidence of ownership**

Sec. 5. (a) Whenever a vehicle for which a certificate of title is required by this article is sold under:

- (1) an order or a process of an Indiana court; or
- (2) any provision of an Indiana statute;

the person who purchases the vehicle may obtain a certificate of title for the vehicle by filing an application for the certificate of title with the bureau and attaching to the application written evidence showing the order, process, or statute under which the person obtained ownership of the vehicle.

(b) The bureau shall use due diligence to ascertain that the sale was in conformity with the order, process, or statute under which the sale occurred and, if the bureau is satisfied, the bureau shall issue a certificate of title to the person who purchased the vehicle.

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

### **IC 9-17-3-6**

#### **Surrender of title under laws of another state or country; cancellation of certificate**

Sec. 6. (a) Except as provided in subsection (b), if the bureau receives notification from another state or a foreign country that a certificate of title for a vehicle that was issued by the bureau has been surrendered by the person who owns the vehicle in conformity with the laws of the other state or country, the bureau may cancel the record of certificate of title in Indiana.

(b) The bureau must retain information necessary to comply with rules adopted under section 8 of this chapter.

*As added by P.L.2-1991, SEC.5. Amended by P.L.61-1998, SEC.1.*

### **IC 9-17-3-7**

#### **Violation of chapter; penalties**

Sec. 7. (a) This section does not apply to section 5 of this chapter.

(b) Except as provided in subsection (c), a person who violates this chapter commits a Class C infraction.

(c) A person who knowingly or intentionally violates:

- (1) section 3(a)(1), 3(a)(2), 3(a)(4), or 3(a)(5) of this chapter commits a Class B misdemeanor; or
- (2) section 3(a)(3) of this chapter commits:

- (A) a Class A misdemeanor for the first violation; or
- (B) a Class D felony for the second violation or any subsequent violation.

*As added by P.L.2-1991, SEC.5. Amended by P.L.131-2008, SEC.45.*

### **IC 9-17-3-8**

#### **Adoption of rules to enable motor vehicle owners to determine prior titling**

Sec. 8. The bureau shall adopt rules under IC 4-22-2 that:

- (1) enable the owner of a motor vehicle titled in Indiana to determine:
  - (A) whether that motor vehicle has previously been titled in Indiana; and
  - (B) if the motor vehicle has previously been titled in Indiana, whether the title was issued under IC 9-22-3; and
- (2) impose a service charge under IC 9-29-3-19 for services performed by the bureau under this section.

*As added by P.L.61-1998, SEC.2.*

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

#### **Transfer on death conveyance; requirements**

Sec. 9. (a) The owner or owners of a vehicle may create an interest in the vehicle that is transferrable on the death of the owner or owners by obtaining a certificate of title conveying the interest in the vehicle to one (1) or more named individuals as transfer on death beneficiaries.

(b) Subject to subsection (e), an interest in a vehicle transferred under this section vests upon the death of the owner or owners.

(c) A certificate of title that is:

- (1) worded in substance as "A.B. transfers on death to C.D." or "A.B. and C.D. transfer on death to E.F."; and
- (2) signed by the owner or owners;

is a good and sufficient conveyance on the death of the owner or owners to the transferee or transferees.

(d) A certificate of title obtained under this section is not required to be:

- (1) supported by consideration; or
- (2) delivered to the named transfer on death beneficiary or beneficiaries;

to be effective.

(e) Upon the death of the owner or owners conveying an interest in a vehicle in a certificate of title obtained under this section, the interest in the vehicle is transferred to each beneficiary who is described by either of the following:

- (1) The beneficiary:
  - (A) is named in the certificate; and
  - (B) survives the transferor.
- (2) The beneficiary:
  - (A) survives the transferor; and
  - (B) is entitled to an interest in the vehicle under

IC 32-17-14-22 following the death of a beneficiary who:

(i) is named in the certificate; and

(ii) did not survive the transferor.

(f) A transfer of an interest in a vehicle under this section is subject to IC 6-4.1.

(g) A certificate of title designating a transfer on death beneficiary is not testamentary.

(h) In general, IC 32-17-14 applies to a certificate of title designating a transfer on death beneficiary. However, a particular provision of IC 32-17-14 does not apply if it is inconsistent with the requirements of this section or IC 9-17-2-2(b).

*As added by P.L.83-2008, SEC.5. Amended by P.L.143-2009, SEC.3; P.L.6-2010, SEC.4; P.L.36-2011, SEC.1.*