

## **Part 5 Titling Requirement**

### **41-1a-501 Certificate of title required.**

Unless exempted, each owner of a motor vehicle, vessel, outboard motor, trailer, semitrailer, manufactured home, mobile home, or off-highway vehicle shall apply to the division for a certificate of title on forms furnished by the division as evidence of ownership.

Renumbered and Amended by Chapter 1, 1992 General Session  
Amended by Chapter 218, 1992 General Session

### **41-1a-503 Certificate of title or receipt of surrender of ownership documents required -- Application by owner.**

- (1) The owner of a manufactured home or mobile home shall apply to the division for a certificate of title unless the manufactured home or mobile home is previously registered as real property under Subsection 41-1a-506(1).
- (2)
  - (a) An owner of a manufactured home or mobile home previously issued a certificate of title who attaches that manufactured home or mobile home to real property shall apply for a receipt of surrender of ownership documents within 45 days of attaching to the real property.
  - (b) Upon application, the division shall issue a receipt of surrender of ownership documents in lieu of a certificate of title.
  - (c) However, manufactured homes and mobile homes are not exempt from the other requirements of this part.
- (3)
  - (a) The owner of a manufactured home or mobile home previously issued a receipt of surrender of ownership documents who separates that manufactured home or mobile home from the real property shall apply for a certificate of title within 45 days of the separation and before any transfer of ownership of that manufactured home or mobile home.
  - (b) Upon application, the division shall issue a certificate of title in lieu of a receipt of surrender of ownership documents.

Amended by Chapter 266, 2013 General Session

### **41-1a-504 Exceptions to title requirements for vehicles.**

Each vehicle operated in this state is subject to the titling provisions of this part except:

- (1) special mobile equipment;
- (2) a vehicle owned or leased by the federal government;
- (3) a trailer of 750 pounds or less unladen weight and not designed, used, and maintained for hire for the transportation of property or persons; and
- (4) modular and prebuilt homes conforming to the Uniform Building Code and presently regulated by the United States Department of Housing and Urban Development that are not constructed on a permanent chassis.

Enacted by Chapter 1, 1992 General Session

### **41-1a-505 Exceptions to title requirements for vessels and outboard motors.**

- (1) Each vessel or outboard motor, identified by the manufacturer as a 1985 year model or newer, operated on the waters of this state is subject to the title provisions of this part except:
  - (a) vessels that have valid marine documents issued by the United States Coast Guard;
  - (b) canoes;
  - (c) inflatable vessels powered by an outboard motor with a manufacturer's listed horsepower of 25 or less;
  - (d) outboard motors with a manufacturer's listed horsepower of 25 or less;
  - (e) vessels and outboard motors owned and operated by nonresidents of the state;
  - (f) vessels or outboard motors owned and operated by the federal government; or
  - (g) vessels exempt from registration under Section 73-18-9.
- (2) The division may not provide a title on vessels and outboard motors identified by the manufacturer as a 1984 year model or older.

Renumbered and Amended by Chapter 1, 1992 General Session

**41-1a-506 Exceptions to title requirements for manufactured homes or mobile homes.**

- (1) A manufactured home or mobile home in this state is subject to the titling provisions of this part except:
  - (a) a manufactured home or mobile home owned and operated by the federal government; and
  - (b) a manufactured home or mobile home that has been converted to real property under Section 70D-2-401.
- (2) A manufactured home or mobile home previously converted to real property but that has been separated from the real property is subject to the titling provisions of this part upon separation.

Amended by Chapter 266, 2013 General Session

**41-1a-506.1 Exceptions to title requirements for park model recreational vehicles.**

- (1) A park model recreational vehicle in this state and identified by the manufacturer as a 2015 year model or newer is subject to the titling provisions of this part.
- (2) The division may provide title to a park model recreational vehicle identified by the manufacturer as a 2014 year model or older if requested by the owner of the park model recreational vehicle.

Enacted by Chapter 237, 2014 General Session

**41-1a-507 Exceptions to title requirements for off-highway vehicles.**

- (1) Each off-highway vehicle operated in this state and identified by the manufacturer as a 1988 year model or newer is subject to the titling provisions of this part except:
  - (a) off-highway vehicles owned and operated by nonresidents of the state;
  - (b) off-highway vehicles owned and operated by the federal government; and
  - (c) off-highway vehicles that are registered for highway use.
- (2) The division may not provide title to an off-highway vehicle identified by the manufacturer as a 1987 year model or older.

Renumbered and Amended by Chapter 1, 1992 General Session

**41-1a-507.1 Exceptions to title requirements for campers.**

- (1) Each camper in this state and identified by the manufacturer as a 2015 year model or newer is subject to the titling provisions of this part.
- (2) The division may provide title to a camper identified by the manufacturer as a 2014 year model or older if requested by the owner of the camper.

Enacted by Chapter 61, 2014 General Session

**41-1a-508 Prerequisites for titling.**

- (1) Except as otherwise provided, prior to titling a vehicle, vessel, or outboard motor an owner must provide evidence of:
  - (a) title or ownership under Section 41-1a-509;
  - (b) payment of sales taxes in accordance with Section 41-1a-510;
  - (c) payment of all applicable fees under Part 12, Fee and Tax Requirements;
  - (d) the identification number inspection required under Section 41-1a-511;
  - (e) the odometer statement required under Section 41-1a-902; and
  - (f) evidence of property tax clearance for manufactured homes and mobile homes.
- (2) An application for registration or current registration is not a prerequisite for obtaining a title.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

**41-1a-509 Manufacturer's certificate of origin or title.**

- (1) If a vehicle other than an off-highway vehicle older than a 1988 model year, or a vessel or outboard motor older than a 1985 model year has not been previously titled, the application for certificate of title shall include the manufacturer's certificate of origin properly endorsed for transfer.
- (2) The manufacturer's certificate of origin shall show:
  - (a) the date of sale to the dealer or person first receiving it from the manufacturer;
  - (b) the name of the dealer or person;
  - (c) a description sufficient to identify the vehicle, vessel, or outboard motor; and
  - (d) a certification by the dealer that the vehicle, vessel, or outboard motor was new when sold to the applicant.
- (3)
  - (a) If the vehicle, vessel, or outboard motor is from a state or foreign country that does not issue or require certificates of title, the owner shall submit a bill of sale, sworn statement of ownership, or any other evidence of ownership required by the division.
  - (b) The division may refuse to issue a certificate of title or receipt of surrender of ownership documents if the applicant fails to submit the evidence of ownership required.

Amended by Chapter 266, 2013 General Session

**41-1a-510 Sales tax payment required.**

- (1)
  - (a) Except as provided in Subsection (1)(b), the division before issuing a certificate of title to a vehicle, vessel, or outboard motor shall require from every applicant:
    - (i) a receipt from the division showing that the sales tax has been paid to the state on the sale of the vehicle, vessel, or outboard motor upon which application for certificate of title has been made; or

- (ii) a certificate from the division showing that no sales tax is due.
- (b) If a licensed dealer has made a report of sale, no receipt or certificate is required.
- (2) The division may also issue a receipt of surrender of ownership documents for a manufactured home or mobile home if the applicant complies with Subsection (1).

Amended by Chapter 266, 2013 General Session

**41-1a-511 Identification number inspection.**

An application for a certificate of title for a vehicle, vessel, or outboard motor not previously titled in this state shall be accompanied by a certificate of identification number inspection obtained in accordance with Section 41-1a-802, unless the vehicle, vessel, or outboard motor is new and was acquired from an in-state dealer or in-state manufacturer.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

**41-1a-512 Application for title.**

- (1) The application for a certificate of title shall include:
  - (a) the signature of a person to be recorded on the certificate as owner;
  - (b) the name, bona fide residence and mailing address of the owner, or business address of the owner if the owner is a firm, association, or corporation;
  - (c) a description of the vehicle, vessel, or outboard motor, including the make, model, type of body, the model year as specified by the manufacturer, the number of cylinders, the identification number of the vehicle, vessel, or outboard motor, as applicable, and other information the division may require;
  - (d) other information required by the division to enable it to determine whether the owner is entitled to a certificate of title;
  - (e) a statement of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor; and
  - (f) the names and addresses of all persons having any ownership interest in the vehicle, vessel, or outboard motor and the nature of the ownership interest.
- (2) An application for a certificate of title for a new vehicle, vessel, or outboard motor purchased from a dealer shall be accompanied by a statement by the dealer or a bill of sale showing any lien retained by the dealer.

Amended by Chapter 51, 2002 General Session

**41-1a-513 Examination of registration records and indices of stolen and recovered vehicles, vessels, and outboard motors.**

The division upon receiving application for any certificate of title shall first check the identification number shown in the application against the indices of registered vehicles, vessels, and outboard motors and against indices of stolen and recovered vehicles, vessels, and outboard motors.

Enacted by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

**41-1a-514 Certificate of title -- Contents.**

- (1) The division upon approving an application for a certificate of title shall issue a certificate of title. The face of the certificate of title shall include:
  - (a) the date issued;
  - (b) the name and address of the owner;
  - (c) a description of the vehicle, vessel, or outboard motor titled, including the year, make, and identification number;
  - (d) a statement of the owner's title and of one lien or encumbrance, if any, upon the vehicle, vessel, or outboard motor;
  - (e) any brand on the title; and
  - (f) an odometer statement, if applicable.
- (2) The certificate of title shall bear the seal of the division.
- (3) The certificate of title shall contain adequate space for:
  - (a) the assignment and warranty of title or interest by the owner;
  - (b) the release of interest by a recorded lien holder; and
  - (c) the notation of one lien or encumbrance, if any, existing at the time of transfer.
- (4) The model year that is listed on the certificate of title of a replica vehicle shall be the model year that the body of the vehicle resembles.
- (5) The certificate of title of a replica vehicle shall indicate that the vehicle is a replica vehicle.

Amended by Chapter 171, 2009 General Session

**41-1a-515 Delivery of certificate by division.**

- (1) The division shall deliver the certificate of title to the owner if no lien or encumbrance is recorded on it. The division shall deliver the certificate to the person holding the first lien or encumbrance as recorded on the certificate.
- (2) The certificate of title shall be delivered:
  - (a) in person;
  - (b) through the United States mail; or
  - (c) electronically.
- (3) If delivered through the United States mail, receipt of the certificate of title is presumed four days after the mail has been posted.

Amended by Chapter 95, 2004 General Session

**41-1a-516 Annual renewal of titles unnecessary -- Superseded certificates invalid.**

- (1) Certificates of title need not be renewed annually but shall remain valid until canceled by the division for cause or upon a transfer of any interest shown on the certificate.
- (2) A certificate of title is invalid when superseded by a duplicate certificate issued under Section 41-1a-518 or when the certificate has been superseded by a certificate issued by another state or country.

Renumbered and Amended by Chapter 1, 1992 General Session

Amended by Chapter 218, 1992 General Session

**41-1a-517 Change of name -- New title.**

- (1) If the name of any person who has made application for or obtained a certificate of title is legally changed, the person shall surrender the certificate and file an application for a new certificate of title.

(2) The division upon receipt of the required fees shall issue a new certificate of title.

Enacted by Chapter 1, 1992 General Session  
Amended by Chapter 218, 1992 General Session

**41-1a-518 Duplicate titles.**

- (1)
- (a) If a certificate of title is lost, stolen, mutilated, or becomes illegible, the owner, legal representative, or successor in interest of the owner of the vehicle, vessel, or outboard motor for which the certificate was issued, as shown by the records of the division, shall immediately apply for and may obtain a duplicate upon furnishing information satisfactory to the division.
  - (b) A certificate of title issued under this section shall have printed or stamped in ink upon its face "duplicate".
  - (c) The duplicate certificate, when properly issued, supersedes and invalidates all other certificates previously issued.
- (2)
- (a) When the application for a duplicate certificate of title is accompanied by a proper release of interest from the owner or owners of record and a proper release of interest from the lienholder of record and the release is accompanied by a proper application to title the vehicle, vessel, or outboard motor in the name of the new owner or owners, a duplicate certificate need not be made.
  - (b) The division may issue a certificate of title in the name of the new owner or owners.
  - (c) The duplicate title fees provided under Part 12, Fee and Tax Requirements, apply.

Renumbered and Amended by Chapter 1, 1992 General Session  
Amended by Chapter 218, 1992 General Session

**41-1a-519 Dealer requirements for certificate of title or receipt of surrender of title.**

- (1) If a dealer delivers a new off-highway vehicle, vessel, or outboard motor to the purchaser, the dealer shall apply for issuance of a certificate of title or receipt of surrender of ownership documents, as appropriate, in the purchaser's name within 45 days of the date of sale.
- (2) A dealer who purchases or takes in trade a used off-highway vehicle, vessel, or outboard motor on which a certificate of title has previously been issued is not required to apply for a certificate of title.

Amended by Chapter 266, 2013 General Session

**41-1a-520 Registration without issuing Utah title.**

- (1) If a person is relocating from another jurisdiction and establishing residence in this state, whether temporary or permanent, and that person has a vehicle registered and titled in another jurisdiction and is not able to surrender title to the vehicle being registered in the state because title is physically held by a lienholder, the division may register the vehicle without issuing a title.
- (2) Upon satisfaction of the lien outstanding against the vehicle in the other jurisdiction, the registered owner shall within 10 days of receipt surrender the title from the other jurisdiction to the division and make application for a title.

Enacted by Chapter 1, 1992 General Session

**41-1a-521 Release of prior certificate of title.**

Every application for a certificate of title for a vehicle, vessel, or outboard motor for which a certificate of title has previously been issued in this state or another jurisdiction shall be accompanied by the certificate of title.

Enacted by Chapter 1, 1992 General Session  
Amended by Chapter 218, 1992 General Session

**41-1a-522 Record of nonconforming vehicle -- Access -- Brand -- Unbranding.**

- (1) The definitions in Section 41-3-407 apply to this section.
- (2) Upon receipt of a copy of an original certificate of title, Manufacturer's Statement of Origin, or other evidence of ownership of a nonconforming vehicle in accordance with Section 41-3-409, the division shall:
  - (a) establish a record of the reported nonconforming vehicle;
  - (b) consider the record a public record with public access under Sections 41-1a-116 and 63G-2-201;
  - (c) allow access to the record upon written application to the division; and
  - (d) upon request for a new certificate of title for a nonconforming vehicle, brand the certificate of title with the words "MANUFACTURER BUYBACK NONCONFORMING VEHICLE" clearly and conspicuously on the face of the new certificate of title.
- (3) Upon receipt of the branded certificate of title, the division shall:
  - (a) follow the procedures established in Subsection (2); or
  - (b) if the record of the nonconforming vehicle contains an application for an unbranded certificate of title that meets the requirements of Section 41-3-409.5:
    - (i) update the record to show that all nonconformities have been cured;
    - (ii) consider the record a public record with public access under Sections 41-1a-116 and 63G-2-201;
    - (iii) allow access to the complete record upon written application to the division; and
    - (iv) upon request for a new certificate of title, issue an unbranded certificate of title.

Amended by Chapter 382, 2008 General Session