

## Motor Vehicle and Trailer Titles

### Transferring Ownership of A Motor Vehicle/Trailer

Missouri law requires that at the time of sale of a motor vehicle or trailer, there shall pass between the parties a properly assigned certificate of title. IT IS UNLAWFUL FOR ANY PERSON/DEALER TO “SKIP” AN ASSIGNMENT OR BE IN POSSESSION OF AN “OPEN TITLE.” An open title is a title that has the seller’s signature in the title assignment area but the purchaser’s name area is blank.

Below is a copy of Missouri law 301.210, RSMo concerning the sale and transfer of vehicles.

**301.210 Sale and transfer of vehicles - assignment of certificate - new certificate - notice of sale to nonresident - director of revenue to keep file - other sales void -** 1. In the event of a sale or transfer of ownership of a motor vehicle or trailer for which a certificate of ownership has been issued, the holder of such certificate shall endorse on the same an assignment thereof, with warranty of title in form printed thereon, and prescribed by the director of revenue, with a statement of all liens or encumbrances on such motor vehicle or trailer, and deliver the same to the buyer at the time of the delivery to him of such motor vehicle or trailer; provided that, when the transfer of a motor vehicle, trailer, boat or outboard motor occurs within a corporation which holds a license to operate as a motor vehicle or boat dealer pursuant to sections 301.550 to 301.575\*, the provisions of subdivision (3) of subsection 6 of section 144.070, RSMo, shall not apply. 2. The buyer shall then present such certificate, assigned as aforesaid, to the director of revenue, at the time of making application for the registration of such motor vehicle or trailer, whereupon a new certificate of ownership shall be issued to the buyer, the fee therefore being that prescribed in subsection 5 of section 301.190. 3. If such motor vehicle or trailer is sold to a resident of another state or country, or if such motor vehicle or trailer is destroyed or dismantled, the owner thereof shall immediately notify the director of revenue. Certificates when so signed and returned to the director of revenue and all certificates shall be appropriately indexed so that at all times it will be possible for him to expeditiously trace the ownership of the motor vehicle or trailer designated therein. 4. It shall be unlawful for any person to buy or sell in this state any motor vehicle or trailer registered under the laws of this state, unless, at the time of the delivery thereof, there shall pass between the parties such certificates of ownership with an assignment thereof, as provided in this section, and the sale of any motor vehicle or trailer registered under the laws of this state, without the assignment of such certificate of ownership, shall be fraudulent and void.

## Identification Number and Odometer Reading Inspection

### Identification Number and Odometer Reading Inspection Required With Out-of-State Title

In order to obtain a Missouri certificate of title for a motor vehicle previously titled in another state, the applicant must obtain a completed *Missouri Motor Vehicle Inspection Approval Certificate* to verify the vehicle identification number and odometer reading from an official inspection station authorized by the Missouri State Highway Patrol. The fee for an inspection is determined by each inspection station and will not exceed \$12.00.

Licensed Missouri motor vehicle dealers can submit either the original or a copy of the safety/emissions inspection certificate with the application for title in a dealership's name on a motor vehicle previously titled in another state. The dealership may retain the original safety/emissions inspection approval certificate in order to provide the ultimate purchaser of the vehicle with this inspection. This prevents the dealership from having to perform two separate inspections on the same vehicle.

The requirement to obtain a *Missouri Motor Vehicle Inspection Approval Certificate* verifying the manufacturer's identification number and odometer reading applies to every individual, company, corporation, and dealership which is making application for an original "Title Only." **There is no exception to this rule.**

## Title Assignment Date Must be on or After the Title Issue Date


Section 301.210, RSMo provides that ownership of a motor vehicle or trailer legally transfers only at the time a certificate of ownership is assigned. The purchase/sale date must be **on or after** the issue date of the title. The **only exception** to this would be if an original title was assigned to the purchaser, then lost. The duplicate title issued (or original title in the dealer's name as explained on page 2-3) may be backdated to the date of purchase listed on the original title. If the owner of a vehicle issues a bill of sale to the purchaser **without** the title, the purchaser has no legal ownership rights to the vehicle until such time as the title is assigned.

**NOTE:** See page 2-8 for exceptions.

Transactions, except those listed above, in which the sale date on the assignment of title is before the issue date of the title must be rejected for a statement signed by the purchaser, seller, and lienholder (if applicable) which indicates a purchase date on or after the issue date. Only one purchaser and seller are required to sign the statement. The new date does not have to be recorded on the back of the title. The *Date of Sale Verification* (DOR-4205), shown on page 2-3, may be used for this purpose. The purchase/sale date recorded on the form will be used for determining title penalties.

Similarly, the date of sale on an assignment cannot be **prior to** the date of a **previous** assignment, i.e., the first assignment cannot have a sale date of July 1, 2003, and the second assignment a sale date of June 15, 2003.

**NOTE:** If an original title is assigned to a purchaser and then is lost, the duplicate title that is issued must be backdated to the date of purchase as recorded on the original title.

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|  MISSOURI DEPARTMENT OF REVENUE<br>DRIVER AND VEHICLE SERVICES BUREAU<br>PO BOX 100, JEFFERSON CITY MO 65105-0100<br><a href="http://www.dor.mo.gov/mvdl">www.dor.mo.gov/mvdl</a><br><b>DATE OF SALE VERIFICATION</b> | FORM<br><b>4205</b><br>(REV. 12-03)   | <b>MISSOURI STATUTE 301.210 REQUIRES THE TITLE TO BE ASSIGNED ON THE DAY OF PURCHASE</b><br>QUESTIONS SHOULD BE REFERRED TO (573) 751-4509. |
|  | ISSUE DATE INDICATED ON FACE OF TITLE | ORIGINAL SALE/PURCHASE DATE INDICATED ON ASSIGNMENT OF TITLE  |
| Please indicate below a sale/purchase date that was on or after the certificate of ownership (title) issue date. The seller, buyer, and lienholder(s) if applicable, must sign below. Only one buyer and seller must sign.   |                                       |   |
| NEW SALE/PURCHASE DATE - MUST BE AFTER ISSUE DATE ON TITLE   | LIENHOLDER'S SIGNATURE                |   |
| SELLER'S SIGNATURE   | LIENHOLDER'S SIGNATURE                |   |
| BUYER'S SIGNATURE  |                                       |   |

MO 860-2417 (12-03)

## Obtaining Title in a Dealership's Name when a Customer Loses the Original Title

When a unit is purchased from a dealer and the purchaser loses the original assigned title, the department will allow the selling dealer to apply for an original title in the dealer's name. The dealer may apply for an original title since the dealer became the legal owner of the vehicle when it was assigned to the dealer even though a title was not issued in the dealer's name. As the last legal owner prior to the assignment to a customer, the dealer would normally be able to obtain a duplicate. However, since an original title was never issued in the dealer's name, a duplicate title **cannot** be issued in the dealer's name. The following documents and fees must be submitted by the dealer to obtain an original title:

1. An application for original title in the selling dealership's name;
2. A photocopy of the front and back of the original title assigned to the dealer with a reassignment to the customer;
3. A notarized *General Affidavit* (DOR-768) may be submitted by the new owner (customer) stating that the original title was lost;
4. The appropriate title and processing/agent fee.

## Issuance of New Motor Vehicle/Trailer Certificate of Title

When the dealer receives the new original title in the dealership's name and assigns it to the purchaser, the dealer must record the **original** sale date and provide the purchaser with a **copy of the front and back of the title** that was lost to explain why the purchase date is before the issue date of the new title. Title penalty fees would apply.

On July 1, 2003, the state of Missouri began issuing new certificates of title for all motor vehicles/trailers.

The face of the new motor vehicle/trailer certificate of ownership contains the same information as the previous certificate of ownership with the exception of the lien release area. This area has been removed and replaced with information regarding the title being mailed to the customer and how to release a lien.

The revised title assignment area of the new certificate of title includes space for the lien information to be recorded on the bottom of the title and new boxes have been added.

## Assignments Made in Error

### Erroneous Assignments of Title - When New Title Is Required

Occasionally, after the vehicle owner has already completed an assignment of title, a decision is made **NOT** to continue the sale. When this occurs, the owner of the vehicle will possess an altered or mutilated certificate of title. To correct this, the following must be done:

1. If the name of the seller (individual or dealer) who made the erroneous assignment is recorded on the face of the certificate of title, the seller must obtain a duplicate certificate of title. The seller must submit the following documents and fees to obtain a duplicate certificate of title:
  - a. A notarized *Application for Missouri Title and License* (DOR-108) marked "duplicate";
  - b. The altered or mutilated certificate of title;
  - c. A statement signed by the seller and the individual to whom the vehicle was erroneously assigned stating the date, the reason the sale was not completed, the assignment was made in error, and the purchaser has no interest in the vehicle;

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- d. A statement from any lienholder recorded in the assignment of title; and
  - e. The required duplicate title and processing fees.
2. If the seller of the vehicle is a Missouri licensed motor vehicle dealer and is listed as purchaser in the **assignment area** on the back of the ownership document, the dealership will be required to obtain an ORIGINAL certificate of title in the name of the dealership. It is not necessary to obtain a duplicate title in the name of the person shown on the face of the title unless the title was in that dealership's name. Then the dealership would be required to make an application for duplicate title as indicated above in number 1. The dealership will be required to submit the following documents to obtain the original title:
- a. *An Application for Missouri Title and License (DOR-108)* marked "original";
  - b. The altered or mutilated certificate of title;
  - c. A statement signed by the seller and the individual to whom the vehicle was erroneously assigned stating the date, the reason the sale was not completed, the assignment was made in error, and the purchaser has no interest in the vehicle;
  - d. A statement from any lienholder recorded in the assignment of title; and
  - e. The required original title and processing fees.

### **Correcting Errors on an Assignment of Title - When Statement is Acceptable**

On occasion, the seller, purchaser, or lienholder of a motor vehicle, trailer, all-terrain vehicle, vessel, or outboard motor makes an error while assigning an ownership document by recording the **correct** information on the wrong line, i.e., seller records his or her name on the purchaser's name line. The department will accept the ownership document if the error is obvious and there is no indication of an attempt to defraud the state of Missouri. The error on the title assignment should not be erased, whited out, or written over, as this will be considered an alteration or mutilation of the certificate of title.

## Duplicate Titles

One thin line should be drawn through the incorrect information and the correct information recorded above. In addition, the seller, purchaser, or lienholder who made the error must submit a statement of correction. The statement must be prepared immediately after the error is made and should include:

1. An explanation of the error made;
2. The correct information;
3. The year, make, and vehicle identification number; and
4. The signature of the individual who made the error.

Missouri law provides for the department to issue a duplicate certificate of title to the owner of a motor vehicle, trailer, manufactured home, all-terrain vehicle, vessel (watercraft), or outboard motor who has lost the original title, or if the original title has been mutilated, stolen, or destroyed. If the original title was mutilated, the mutilated title must be surrendered.

For the department to issue a duplicate title, the owner must submit:

1. A completed, signed, and notarized *Application for Missouri Title and License* (DOR-108) or a completed, signed, and notarized *Application for Watercraft or Outboard Motor Title and Registration* (DOR-93);

**NOTE:** If the *Application for Missouri Title and License* (DOR-108) or *Application for Watercraft or Outboard Motor Title and Registration* (DOR-93) is **NOT** notarized, a notarized affidavit explaining the reason for requesting a duplicate title must be submitted. The affidavit must also contain the owner's name; information relative to the unit such as year, make, vehicle identification number, original title number (if available); and the current license plate number, if applicable. The *General Affidavit* (DOR-768), Exhibit E, may be used to meet this requirement.

2. A title fee of \$8.50 or \$13.50 if an expeditious title is desired; and
3. A \$2.50 agent/processing fee.

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If a lien was recorded on the original ownership document, the duplicate title will be mailed to the owner unless there is a "Mail-to" shown on the application. The lien will be reflected on the title unless a lien release is submitted with the duplicate title application. See Section 6 of this manual for information regarding a lien release.

The application for duplicate title is not required to be signed if a notarized affidavit is attached and properly signed. On an original title issued on or after July 1, 2003, when a lienholder is recorded as a "Mail-to" the lienholder may sign the application for duplicate title. On titles issued prior to July 1, 2003, the lienholder is considered the legal holder of the title; therefore, they may sign the duplicate title application also. The agent for the lienholder should record the lienholder name, their position, and signature in the signature block on the application.

### **Duplicate Titles for Units That Were Titled Between 1948 and 1969**

If the owner of a motor vehicle, trailer, or marinecraft states the unit was titled between 1948 and 1969, the office staff should attempt to obtain the original title number for the vehicle. If a title number cannot be located, the applicant must complete an *Affidavit of Ownership* (DOR-2635). This affidavit is not required to be notarized as long as the duplicate title section of the application for title is notarized. The original purchase date must be completed on the affidavit or the application will be rejected.

**NOTE:** When completing the *Affidavit of Ownership* (DOR-2635) for a vessel or outboard motor, complete the form listing marine information rather than motor vehicle information.

### **Mailing Duplicate Titles Issued After July 1, 2003**

- A. All duplicate titles showing a lien and issued on or after July 1, 2003, will be mailed to the owner named on the original Certificate of Title.
- B. If the application for duplicate title does not reflect a lien, but the department's records reflect the original title had a lien, the duplicate title will be issued with lien information and mailed to the new owner unless a lien release is submitted with the application.

## Buying and Selling a Vehicle Without a Title

- C. If the applicant completes the "Mail-to" area of the title application, the department will mail the duplicate title to the address listed even if there is a lienholder.
- D. In the event there is a second lienholder and/or Subject to Future Advances (STFA) information is completed in the "Mail-to" area, and the owner needs the title mailed to a different address, the owner must pay the \$5.00 expeditious title fee because of the request for special handling and complete a *Return Title Slip* (DOR-1319), Exhibit O, containing the "Mail-to" address.

Effective August 28, 2005, a new law allows a licensed dealer to buy and sell a motor vehicle without a title if the dealer follows the requirements outlined in the following checklist. **This only applies if the seller's title has been lost, stolen, mutilated, or destroyed.** The purchase is subject to any liens that are perfected and not released. The dealer must also verify that the seller is the last titled owner. The department is developing a new Secure Power of Attorney form (DOR-5086) that complies with federal odometer disclosure regulations to simplify the process for the dealer and the customer. The new form will be available later in the fall of 2005.

### CHECKLIST FOR BUYING AND SELLING A MOTOR VEHICLE WITHOUT A TITLE

*(This applies only when the seller's motor vehicle title has been lost, stolen, mutilated, or destroyed.)*

#### **Purchasing the vehicle without a title:**

The dealer must receive from the seller:

- A signed sales contract;
- If mileage is required, a notarized POA to sign the application for duplicate title (unless the seller actually signs the application) and a secure POA (DOR-3020S) to assign the duplicate title.

**Note:** The seller and purchasing dealer may complete Section A of the department's new secure POA (DOR- 5086) once it's available in lieu of the above forms. Section A will allow the dealer to sign and make the odometer disclosure on behalf of the seller on the first title assignment after the duplicate title is received.

If no mileage disclosure is required, a notarized POA may be used to both apply for the duplicate title and make the assignments for the seller once the duplicate title is received.

- Physical delivery of the vehicle.

**NOTE:** The purchase is subject to any liens that are perfected and not released. The dealer must also verify that the seller is the last titled owner.

**Selling the vehicle without a title**

The dealer must provide the purchaser:

- A signed sales contract;
- Proof the dealer acquired the vehicle from the last **titled** owner in the form of a DOR Internet record look-up screen print, other DOR record search, or a Car Fax search;
- A notarized lien release on the lienholder's letterhead or a Notice of Lien Release (DOR-4809) if applicable;
- An Internet or other DOR record showing no child support liens on the vehicle (See [www.dort.mo.gov/mvdl/motorv/childlien/](http://www.dort.mo.gov/mvdl/motorv/childlien/));
- A copy of the duplicate title application in the previous owner's name and a copy of the POA's the dealer received from the seller.

**NOTE:** The selling dealer and the purchaser must complete Section B of the secure POA (DOR-5086), once the new form is available, if the dealer is selling the motor vehicle prior to receipt of the duplicate title. Section B authorizes the dealer to sign on behalf of the purchaser and make the odometer disclosure on the second title assignment of the duplicate title.

**NOTE:** The purchaser may not make application for title until the dealer provides the assigned duplicate title and secure POA to him/her.

**Obtaining a duplicate title in the seller's name**

The motor vehicle dealer must:

- Apply for the duplicate title in the name of the seller within five business days of purchase by submitting:
  - ( ) A notarized duplicate title application, DOR-108 (*The Mail-To section must list the dealer's name/address.*);
  - ( ) A notarized POA (*only required if the seller has not signed the application*);

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- The dealer may attach a completed **copy** of Section A of the new secure POA (DOR-5086) in lieu of the notarized POA once the new form is available.

( ) Notarized lien release documented on the lienholder's letterhead or the Notice of Lien Release (DOR-4809), if applicable.

( ) An \$8.50 title fee, \$5 quick fee, if applicable, and \$2.50 processing fee. It is recommended that the dealer request a quick title to expedite the duplicate title so the purchaser has time to apply for the title and the purchaser's temporary 30-day permit does not expire (if applicable).

Assign and deliver the duplicate title with the secure POA attached (DOR-3020S or DOR-5086) to the purchaser within five business days of receipt (notarized POA is acceptable if no mileage disclosure is required);

( ) The dealer must complete the first assignment on the duplicate title signing as purchaser and signing on behalf of the seller as POA, using the odometer information and purchase date from the secure POA.

( ) The dealer must complete the second assignment as seller and obtain the signature and printed name of at least one of the purchasers for all vehicles subject to mileage disclosure. The date of the sales contract should be used as the purchase date.

- The dealer cannot use a POA to sign for the purchaser on the second assignment unless the dealer had the purchaser complete the new secure POA, (DOR-5086), Section B.

**NOTE:** If the new secure POA (DOR 5086) is used, the dealer must:

Complete the first and second assignments on the duplicate title as authorized by sections A and B of the DOR 5086;

Inspect the title to ensure the mileage on the duplicate title is consistent with what was recorded on the POA and complete Section C of the POA;

Retain a copy of the DOR 5086 for their records; and