

**RULES
OF
DEPARTMENT OF REVENUE
VEHICLE SERVICES DIVISION**

**CHAPTER 1320-8-13
TITLES**

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1320-8-13-.01 ORIGINAL APPLICATIONS.

- (1) Applications for Certificate of Title on new vehicles must be accompanied by a bill of sale or dealer's invoice showing all liens, if any, and a manufacturer's certificate of origin, properly assigned by the dealer to the purchaser.
- (2) Applications for Certificate of Title for other than new vehicles for which there is not currently in existence a Tennessee Certificate of Title, or pending application for same, must be accompanied by a notarized bill of sale and sworn statement, certifying as to why the vehicle has not heretofore been titled, or certificate of title from the state in which previously registered.
- (3) When the vehicle is registered in a jurisdiction which does not have a Certificate of Title Law, the application for Tennessee Certificate of Title shall be accompanied by a notarized bill of sale as evidence of title, together with the next past bill of sale showing ownership to have been transferred to the Party seeking title, which said bill of sale shall be notarized.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-.02 TRANSFERS.

- (1) In cases of transfer by ordinary sale, applications for Certificate of Title for a new owner must be accompanied by surrendered certificate of title or carbon copy of pending application properly assigned by the seller to the purchaser.
 - (a) All applications for Certificate of Title on vehicles for which a Certificate of Title is outstanding must be accompanied by the surrendered Certificate of Title and Title Card except in transfers covered by sub-paragraph (c) below.
 - (b) Any application for title accompanied by a copy of a previous application where a Certificate of Title has already been issued will be rejected by the division.

(Rule 1320-8-13-.02, continued)

- (c) Any owner transferring title to any motor vehicle, whose Certificate of Title is being held by a lienor may, in lieu of executing the assignment on the reverse side of his Certificate, execute and deliver to the purchaser a separate notarized bill of sale which shall show the name and address of the lienor in whose possession the Certificate is being held and notify the lienor of the sale. The above is in addition to the requirement that the assignment on reverse side of Title Card must be properly executed and surrendered to the purchaser.
- (2) In case of transfer by other than ordinary sale, the following will apply in addition to the provision of T.C.A. §§55-3-121 and 55-4-119.
 - (a) Applications for Certificate of Title must be supported by affidavit of safe under lien not dependent upon possession, affidavit of sale by holder of lien dependent upon possession, affidavit of seller in cases of bankruptcy, insolvency, attachment, replevin or other judicial sale, or affidavit of repossession without process of law, whichever is applicable. If the person being dispossessed is other than the titleholder of record, the chain of ownership must be completed by notarized bills of sale.
 - (b) Where the registered owner of a motor vehicle dies testate or intestate, the Certificate of Title thereto must be assigned by the duly qualified executor or administrator of the deceased with certified copy of letters of administration attached. If no administration of the estate of the deceased is contemplated, an affidavit of inheritance must be filed, together with Certificate of Title and Title Card. The Affidavit of Inheritance must fully describe the motor vehicle, the date of the death of the deceased and indicate that the deceased left no will and that by mutual agreement of all heirs and next of kin, any and all claims are relinquished on said motor vehicle to the applicant.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-.03 SALE BY DEALER TO DEALER. In addition to the requirements as outlined in Rule 1320-8-13-.02(1), any ownership passed from dealer to dealer transfer must be effected by means of notarized bill of sale. In the event of a new car sale, transfer must be effected by assignment of Manufacturer's Certificate of Origin.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-.04 LOST OR DAMAGED CERTIFICATE OF TITLE. In all cases where the former Certificate of Title has been lost, damaged or destroyed, the seller must execute an Affidavit of Lost or Damaged Certificate of Title and a notarized bill of sale, both to be surrendered to the purchaser with proper fee for reproducing the lost or damaged Certificate. The affidavit shall be properly notarized and contain a statement that the Certificate of Title has been lost or damaged and include complete description of the vehicle. The applicant filing such affidavit must furnish notarized bill of sale from the title owner to the next purchaser.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-.05 LIENS CREATED BY TRANSACTIONS INVOLVING CHANGE OF OWNERSHIP: CONDITIONAL SALES CONTRACT, TITLE RETAINED NOTE, ETC. It shall be the duty of the county court clerks accepting an application for a Certificate of Title to note on the application any lien or conditional sale which may be indicated on the dealer's bill of sale or invoice. Failure to comply with this provision of the law may make the county court clerks personally liable for any damages which may be caused because of this failure or neglect to perform this duty.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-.06 LIENS CREATED BY TRANSACTIONS NOT INVOLVING CHANGE OF OWNERSHIP: CHATTEL MORTGAGE, TRUST RECEIPT OR OTHER SIMILAR INSTRUMENTS, INCLUDING MECHANICS LIENS. It shall be the duty of any person in whose favor a lien is given for a chattel mortgage, trust receipt, or otherwise to give notice to the Division of any such lien indicating the amount thereof and file with the Division a certified copy of the instrument creating the lien together with the appropriate fees therefor.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-.07 POWER OF ATTORNEY. Where an applicant is unable to file an application for a certificate of title in person, he may authorize an attorney-in-fact to make an application for him, provided a duly executed power of attorney instrument is executed by the owner and filed with the application.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-.08 CHANGE OF ENGINES AND BODIES. An exchange of the engine or type of body of a motor vehicle for which a Certificate of Title and Title Card have been issued previously shall render Certificate of Title and Title Card invalid.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-.09 CHANGE OF ENGINES AND BODIES WITH TITLE. It is the duty of the owner of the vehicle installing a replacement engine or changing the type of body of such vehicle to notify the Division on forms to be prescribed by the Division accompanied by notarized bill of sale covering such engine or body type and Certificate of Title and Title Card, and to pay the appropriate fees required by law, at that time.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-10 CHANGE OF ENGINES AND BODIES WITHOUT TITLE. Where application has not been previously filed for a motor vehicle which has had an engine or body changed since July 1, 1951, the application shall, in addition to the requirements set forth in these rules and regulations for an original application for a Certificate of Title, be accompanied by a notarized bill of sale covering the engine or body involved.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-11 REPLACEMENT OF ENGINE OR BODIES WHICH HAVE PREVIOUSLY BEEN DISMANTLED OR JUNKED. In cases where an engine or body is replaced by another engine or body which has been previously dismantled or junked, the applicant for a corrected Certificate of Title shall present, in addition to the affidavit required for a change of engine or body, a notarized bill of sale from the person selling the dismantled or junked engine or body with an indication thereon of the permit number given for the dismantling or junking of the motor vehicle by the Division. The notarized bill of sale shall note thereon any assignments if any have been made.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-12 ENGINES ACQUIRED FROM FOREIGN STATE. In cases where the replacement engine was acquired from any source outside the State of Tennessee, the purchaser shall require of the seller a notarized bill of sale and evidence of where the replacement engine was acquired by the seller. If acquired from a foreign title law state, a statement from the Motor Vehicle Registration Division of that state that a vehicle bearing the engine number of the replacement engine has not been titled and there is no evidence of lien of record in that state, shall also be required.

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.

1320-8-13-13 FEES DUE THE MOTOR VEHICLE DIVISION OF THE DEPARTMENT OF FINANCE AND TAXATION.

- (1) Reserved.
- (2) Reserved.
- (3) Reserved.
- (4) Reserved.
- (5) An Original Certificate of Title describes vehicles purchased new and registered for the first time in Tennessee, and vehicles previously registered in a foreign state being registered for the first time in Tennessee.
- (6) Any vehicle previously registered in the State of Tennessee, whether or not there be evidence of previous application for title shall be presumed to involve a new owner following transfer of vehicle for which a Tennessee Certificate of Title has been issued previously.

(Rule 1320-8-13-.11, continued)

Authority: T.C.A. §§55-2-203, 55-4-101, 55-4-205, 4-2-1903, 67-1-102, 67-1-103, 67-1-105, 67-1-703, 67-1-802, and 67-1-803, Executive Order Number 37 (2000), and Executive Order 36 (2006). **Administrative History:** Original chapter 1340-5 transferred from chapter 1320-8 under the authority of Executive Order Number 37 dated June 29, 1990. Original chapter 1320-8 transferred from chapter 1340-5 under the authority of Executive Order Number 36 dated April 19, 2006.