

County Clerk Questions and Answers

Fall COAT Meeting 2019

Q: Why do we only have access to our counties rejection letters? Why aren't they attached to the history images in Web Inquiry?

A: Counties now have access to see rejection letters from other counties. While BIS is currently working on giving access to older rejections, this is something that should be available from now on.

Q: Why can't we issue a TOP for new owners due to a pending rejection for a former owner?

A: There is currently a fix in testing for this issue. It is tentatively scheduled to go out in the December update.

Q: What is the deficient report? What is the process to work a deficient?

A: A deficient is a transaction that is stored locally because it could not be validated against VTRS. An example of this would be a transaction that is being attempted with an odometer reading that is less than what is currently recorded on VTRS. Counties can pull a deficient report to resolve the deficient transactions. If counties need assistance with deficient transactions or have questions about them, please reach out to the BIS Clerk Support team.

Q: Do out of state titles need to be notarized if they have a space for notary?

A: If you live in one of the states requiring title notarization you must wait to sign your title in front of a public notary. You must have your driver's license or valid I.D. with you. The notary will then witness your signature and notarize your title. These are the only states that require a notary.

1. Louisiana
2. Oklahoma
3. North Carolina
4. Kentucky¹
5. Ohio
6. Pennsylvania
7. Montana
8. Arizona

¹ The Department will accept Kentucky titles that have not been notarized because the Kentucky notary requirement is for purposes of tracking sales, not to prevent title fraud.

Q: Will there be new class 1000 plates next year?

A: Tenn. Code Ann. § 55-4-103(h) provides that new plates for passenger vehicles shall be issued no later than every eight years. It also provides that the issuance of new plates may be delayed “if funds for the reissue of the registration plates are not appropriated specifically in the general appropriations act.” Thus, plates are tentatively scheduled to be reissued every eight years, but ultimately that is dependent on funding by the legislature.

The department has received questions recently about the reissue process. We do not know if funds have been apportioned for this process. We will keep you informed if we receive additional information.

Q: Can the county office provide records or documents for courts or does it need to come from the state?

A: County offices can provide documentation, but they cannot certify that the paperwork they are providing is from the state. If a county office receives a subpoena or request and it is addressed to the State of Tennessee records officer, please email the subpoena to VehicleServices.Research@tn.gov and we can process it from here.

Q: What is a “hobby or project vehicle” as it pertains to title-only?

A: A hobby or project vehicle describes a motor vehicle that is being worked on or repaired, but is not being driven on the roads such that it is required to be registered under Tenn. Code Ann. § 55-4-101(a). However, the owner of a hobby or project vehicle may still desire a certificate of title as evidence of their ownership of the vehicle. In such situations, the owner may apply for a title-only and select the appropriate category on the Department’s recently revised form.

Q: How many placards can someone own?

A: No more than two (2) placards may be issued per individual applicant.

Q: In a situation where a vehicle is titled in two individuals’ names and the conjunction “or” is used, can one of the individuals transfer ownership into their name only and sign as the buyer and seller? If so, can the same person certify the odometer?

A: When a vehicle is titled in the name of two individuals where the conjunction “or” is used, only one of the individuals’ signatures is required to transfer title pursuant to Tenn. Code Ann. § 55-3-118(c). There is no limitation on this legal authority to transfer title, meaning that the individual can transfer ownership of the vehicle from themselves and another person to only themselves. In this situation, the individual could sign as the buyer and the seller. However, if the vehicle at issue is subject to odometer disclosure requirements, they are not able to sign for both buyer and seller for purposes of verifying mileage unless certain conditions are met. Federal law prohibits the same person from signing an odometer disclosure statement as both the transferee and transferor in the same

transaction unless the title is being held by a lienholder or has been lost and the transferee is applying for a duplicate title, in which case the individual can appoint an attorney-in-fact via the secure power of attorney. *See* 49 C.F.R. § 580.5(h).

Q: If an individual purchases a vehicle from a dealership, executes a white power of attorney in favor of the dealership, and signs an odometer disclosure statement, does the individual also have to sign the odometer disclosure statement on the back of the title?

A: Although the odometer disclosure statement can be used in lieu of the buyer's odometer disclosure on the back of the title in certain situations, best practices are for both signatures to appear on the back of the title whenever possible. *See* 49 U.S.C. §§ 327, *et seq.* However, although federal law does impose penalties for violations of odometer disclosure requirements, those penalties are not applicable to the Department or the County Clerks. The Department would accept and process transactions supported by this documentation.

Q: A qualified registrant received two memorial license plates prior to May 19, 2013, one of which was an Air Medal (Valor) and the other an Air Medal (Meritorious), and was thus "grandfathered in" with two free permanent plates under Tenn. Code Ann. § 55-4-260(d)(1). If the registrant lost his Air Medal (Meritorious) plate, can he replace the Air Medal (Meritorious) plate with an Air Medal (Valor) plate since the Air Medal (Meritorious) plate is no longer a permanent plate under Tenn. Code Ann. § 55-4-260(d)(2)?

A: No, a registrant that obtained two free memorial plates prior to the 2013 amendment is not entitled to a replacement plate in the event that one of his two free plates is lost. He may receive an Air Medal (Meritorious) plate upon payment of the regular registration fees for such plates, as provided by Tenn. Code Ann. § 55-4-260(d)(2).

Q: My POD came in damaged. What should I do?

A: Contact Diane Miller at Diane.Miller@tn.gov. She will contact the vendor to get your damaged POD replaced.

Q: How will the rise of online newspapers affect how we process certifications of ownerships, garagekeepers liens, etc.?

A: This will not affect the process. We can accept a print off of the online newspaper or ad.

Q: What is the surety bond process for mobile homes?

A: When owners of vehicles/manufactured homes with a fair market value (FMV) exceeding \$3001 and a manufacture year of less than 30 years old cannot supply requisite proof of ownership, an approved Surety Bond Application may be used to support an application for title. In the absence of a bill of sale For Manufactured/Mobile Homes: a written estimate of the current value of the mobile home only (that does not include any land value) or a recent property tax bill of the mobile home property showing separate "land" and

"improvement" values (if applicable). The surety bond form can be found at <https://www.tn.gov/content/dam/tn/revenue/documents/forms/titlereg/f1313201Fill-in.pdf>.

Q: How can we see what dealerships are in compliance to so we can properly issue dealer tags?

A: Dealer's licenses can be verified at the following website: <https://www.tn.gov/commerce/regboards/mvc.html>

Q: NCIC issues?

A: Unfortunately, BIS or the state cannot do anything to resolve the issues as these are occurring with the TBI. We do not have access to troubleshoot their systems when NCIC goes down.