



July 6, 2017

## **Registration and Title Bulletin # 002-17 Policy and Procedure**

**TO:** All County Tax Assessor-Collectors

**SUBJECT:** **Private Entity Title and/or Registration Verifications for Licensed Vehicle Storage Facility Lien Foreclosures**

### **PURPOSE**

To provide updated guidance on the acceptability of private entity title and/or registration verifications in conjunction with licensed vehicle storage facility (VSF) lien foreclosures.

### **BACKGROUND**

Currently, county tax assessor-collectors have the discretion to accept third party verifications when the owner's and lienholder's (if any) name and address match the current Registration and Title System (RTS) record. The fact that the verification is from a third party is not a reason for rejection when it matches the RTS record at the time of application.

### **DETAILS**

House Bill 1247 enacted by the 85<sup>th</sup> Legislature made changes to Occupations Code, Chapter 2303, impacting title and/or registration verification obtained from a private entity in conjunction with licensed VSF lien foreclosures for vehicles last titled and/or registered out of state. These changes are effective immediately, apply to vehicles obtained on or after June 15, 2017, and do not impact any other miscellaneous lien foreclosure.

#### *Texas Record Found*

You continue to have the discretion to accept title and/or registration verifications obtained from a private entity for vehicles last titled and/or registered in Texas if those verifications match the current RTS record as detailed in RTB #012-16.

#### *Out of State Record Found*

A title and/or registration verification obtained from a private entity is now acceptable for licensed VSF lien foreclosures of vehicles last titled and/or registered outside of Texas. A VSF may also obtain a written or electronic title and/or registration verification directly from the governmental entity responsible for maintaining the title and/or registration record. An electronic verification must be obtained through the governmental entity's secure access portal.

#### *No Record Found or Unable to Obtain Out of State Record*

A VSF may only make notice by newspaper publication if a National Motor Vehicle Title Information System (NMVTIS) report for the motor vehicle has been obtained and does not indicate a record from any jurisdiction or indicates a record, but the VSF is unable to obtain the address of the registered owner(s)/lienholder(s) from the most recent jurisdiction shown on the NMVTIS report.

When unable to obtain the address of the owner(s)/lienholder(s), a VSF must provide:

- proof of mailing to the jurisdiction by certified mail,

- a copy of the electronic inquiry with that jurisdiction showing no record or a record that does not provide owner or lienholder information, or
- a copy of a private entity verification showing no record or a record that does not provide owner or lienholder information.

The NMVTIS report requirement only applies to self-propelled, on-road use vehicles; therefore, it excludes any off-highway vehicles, trailers, semitrailers, and travel trailers. A list of private entities who offer NMVTIS reports is available on [www.TxDMV.gov/title-check](http://www.TxDMV.gov/title-check). You can also obtain a sample of these reports by visiting each private entity's website.

The NMVTIS report is required to contain an NMVTIS logo, which is depicted below:



### **COUNTY ACTION**

Do not reject any licensed VSF lien foreclosure title applications supported by a title and/or registration verification obtained from a private entity solely because the verification was obtained from a private entity. These verifications must be accepted when there is no Texas title record or if the verification shows the vehicle was last titled and/or registered outside of Texas. There have been no changes to what is acceptable for vehicles last titled and/or registered in Texas.

If the title and/or registration verification contains a statement such as “Custom Vehicle Record” or “This information was provided by the user and not any State or Federal jurisdiction,” then the verification is unacceptable.

If a VSF took possession of a vehicle on or after June 15, 2017, and made notification by newspaper publication, please ensure an NMVTIS report containing the required logo is submitted with the title application. Ensure proof of mailing to the jurisdiction or a copy of the electronic inquiry is also included if the NMVTIS report indicates a record for a state.

### **CONTACT**

If you have any questions, please contact your local Texas Department of Motor Vehicles Regional Service Center.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Jeremiah Kuntz', is written over a light blue horizontal line.

Jeremiah Kuntz, Director  
Vehicle Titles and Registration Division

JK:TT:KK