



Florida

Department of Highway Safety and Motor Vehicles

Division of Motor Vehicles

PROCEDURE TL-44	SUBJECT: APPLICATION FOR CERTIFICATE OF TITLE FOR AN OFF-HIGHWAY VEHICLE		
DESCRIPTION AND USE: THIS PROCEDURE IS PROVIDED TO ASSIST EMPLOYEES OF TAX COLLECTOR OFFICES AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN ESTABLISHING REQUIREMENTS TO ENSURE PROPER ISSUANCE OF A CERTIFICATE OF TITLE FOR AN OFF-HIGHWAY VEHICLE.			
<p>I. PROVISIONS OF LAW:</p> <p>Section 317.0002, Florida Statutes, states, "It is the intent of the Legislature that all off-highway vehicles purchased after the effective date of the "Florida Off-Highway Vehicle Titling Act" (July 1, 2002) and all off-highway vehicles operated on public lands be titled to allow for easy determination of ownership."</p> <p>Section 317.0003, Florida Statutes provides for the following definitions:</p> <p>An "off-highway vehicle" is defined as any off-highway vehicle (ATV) or off-highway motorcycle (OHM) that is used off the roads or highways of this state for recreational purposes and that is not registered and licensed for highway use pursuant to Chapter 320, Florida Statutes.</p> <p>An "ATV" is defined as any motorized off-highway or all-terrain vehicle 50 inches or less in width, having a dry weight of 900 pounds or less, designed to travel on three or more low-pressure tires, having a seat designed to be straddled by the operator and handlebars for steering control and intended for use by a single operator and with no passenger.</p> <p>An "OHM" is defined as any motor vehicle used off the roads or highways of this state that has a seat or saddle for the use of the rider and is designed to travel with not more than two wheels in contact with the ground, but excludes a tractor or a moped.</p> <p>"Public Lands" means lands within the state that are available for public use and that are owned, operated or managed by a federal, state, county or municipal governmental entity.</p> <p>Section 317.0006, Florida Statutes, provides for the requirement of a certificate of title.</p> <p>Section 317.0007, Florida Statutes, provides for the application and issuance of a certificate of title.</p> <p>Section 317.0008, Florida Statutes, provides for the issuance of a duplicate certificate of title.</p>			
<p><i>Revision(s) to this Procedure: Added information concerning replacement decals for off-highway vehicles and added information for towing and storage on page 8.</i></p>			
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II. DOCUMENTATION AND SPECIAL INSTRUCTIONS:

A. To issue an original Florida Certificate of Title for a **new or used off-highway vehicle purchased prior to 07/01/02**, the following documentation should be submitted to the tax collector's office to be screened for completeness and accuracy:

1. **ONE** of the following:

- a. A Manufacturer's Certificate of Origin (MCO), **showing a complete chain of ownership to the applicant.**
- b. A bill of sale (must include the year, make and vehicle identification number of the off-highway vehicle).
- c. A notarized/perjury clause affidavit of ownership (must include a complete description of the off-highway vehicle).

2. Form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.

NOTE: If a lien is to be recorded, a lien date **MUST** be shown.

3. Lien satisfaction, if applicable.

NOTE: If a lien is shown on the MCO or bill of sale, submit the proper lien satisfaction or if the lien has not been satisfied, place the lien information on the accurately completed form 82040, Application for Certificate of Title with/without Registration or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.

NOTE: Proof of sales tax is not required for an off-highway vehicle (purchased prior to 07/01/02).

4. Title fees in the amount of \$33.25, with or without a lien.

NOTE: Off-highway vehicles will **NOT** be issued a license plate or decal.

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<p>B. To issue an original Florida Certificate of Title for a NEW off-highway vehicle purchased in Florida or out-of-state, 07/01/02 or later, or a used off-highway vehicle from out-of-state, purchased 07/01/02 or later, the following documentation should be submitted to the tax collector's office to be screened for completeness and accuracy:</p> <p>1. Proof of Ownership:</p> <p>a. The proof of ownership for a NEW off-highway vehicle is the Manufacturer's Certificate of Origin (MCO).</p> <p style="padding-left: 40px;">The proof of ownership must show a complete description of the off-highway vehicle and a complete chain of ownership to the applicant. The MCO does not have to be notarized.</p> <p>b. The proof of ownership on a USED off-highway vehicle from out of state is the certificate of title from that state. If the transfer section on the out-of-state certificate of title has a place for notarization, that section must be notarized, if applicable.</p> <p style="padding-left: 40px;">If the off-highway vehicle was not required to be titled by that state, then proof of ownership is a dealer's bill of sale or the registration from that state (if applicable) and a bill of sale from the seller to the purchaser.</p> <p style="padding-left: 40px;">The certificate of title, the off-highway vehicle registration (if applicable) or bill of sale submitted as proof of ownership must be in the name of the applicant or must be properly assigned to the applicant.</p> <p style="padding-left: 40px;">(See DMV Procedure TL-10, Exhibit E or check the appropriate reference books to determine notarization requirements and proper proof of ownership for other states).</p> <p>NOTE: If 30 days has passed since the manufacturer's certificate of origin or the certificate of title was signed over to the retail purchaser and delivery of the off-highway vehicle was made, a \$10 penalty fee must be assessed (\$5.00 of the fee will be retained by the tax collector's office).</p> <p>NOTE: If the proof of ownership is from a foreign country it must be translated into the English language. Translations must be legible, can be written or typed and must be signed by the translator certifying the translation to be true and correct.</p> <p>2. Form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.</p>	
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<p>3. If a lien is shown on the proof of ownership, submit the proper lien satisfaction or if the lien has not been satisfied and there is no change in ownership, place the lien information on the accurately completed form 82040, Application for Certificate of Title with/without Registration or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</p> <p>NOTE: If a lien is to be recorded, a lien date MUST be shown.</p> <p>4. Florida sales tax or specify sales tax information on form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</p> <p>5. Title fees in the amount of \$33.25, with or without a lien.</p> <p>NOTE: Off-highway vehicles will NOT be issued a license plate or decal.</p> <p>C. To issue a Florida Certificate of Title for a used off-highway vehicle purchased in Florida, 07/01/02 or later, the following documentation should be submitted to the tax collector's office to be screened for completeness and accuracy:</p> <p>1. ONE of the following:</p> <p style="margin-left: 20px;">a. Florida Certificate of Title (<u>title must be accurately completed for transfer to the new owner.</u>)</p> <p style="margin-left: 20px;">b. A bill of sale (must include the year, make and vehicle identification number of the off-highway vehicle).</p> <p>NOTE: <u>The bill of sale must be from an individual/dealer who owned the vehicle PRIOR to 07/01/02 and was NOT required to obtain a certificate of title in their name. The bill of sale would NOT be acceptable in lieu of a title, if the individual/dealer selling the vehicle to the new owner had purchased the off-highway vehicle on 07/01/02 or later and a valid title had not been previously issued to them. In this situation, the individual/dealer would be required to have a title issued in their name, prior to selling the off-highway vehicle in order to have a valid title to transfer or reassign to the new owner (see III, B).</u></p> <p>2. Form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant.</p> <p>NOTE: If a lien is to be recorded, a lien date MUST be shown.</p> <p>3. Lien satisfaction, if applicable.</p> <p>4. Florida sales tax or specify sales tax information on form HSMV 82040, Application for Certificate of Title with/without Registration or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.</p> <p><u>NOTE: If a dealer is applying for title in their name and the vehicle is for resale purposes, they would not be required to pay sales tax.</u></p> <p>5. Title fees in the amount of \$33.25, with or without a lien.</p> <p>NOTE: Off-highway vehicles will NOT be issued a license plate or decal.</p>	
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<p>D. To transfer a Florida Certificate of Title for an off-highway vehicle, the following documentation must be submitted to the tax collector's office to be screened for completeness and accuracy:</p> <ol style="list-style-type: none">1. The "Transfer of Title By Seller" section on the Florida Certificate of Title must be accurately completed for transfer to the new purchaser.2. Form HSMV 82040, Application for Certificate of Title with/without Registration, accurately completed, or, Form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed, or, The "Application for Title by Purchaser" section on the reverse side of the certificate of title, accurately completed. <p>NOTE: If a lien is to be recorded, a lien date MUST be shown.</p> <ol style="list-style-type: none">3. A lien satisfaction, is required for any lien, shown on the DMV database against the owner of a motor vehicle or mobile home, unless there is a "Transfer of Equity" for the outstanding lien(s). <p>NOTE: The lienholder must authorize the transfer of equity for the outstanding lien. The statement from the lienholder must be on their letterhead stationery and specify that a transfer of title and transfer of the lien to the new owner is authorized.</p> <ol style="list-style-type: none">4. Florida sales tax or specify the sales tax information on an accurately completed form HSMV 82040, Application for Certificate of Title with/without Registration, or form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration.5. Title fees in the amount of \$33.25, with or without a lien. <p>NOTE: Off-highway vehicles will NOT be issued a license plate or decal.</p>	
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<p>E. If the original certificate of title has been lost or destroyed, a duplicate certificate of title may be issued. The following documentation should be submitted to the tax collector's office to be screened for completeness and accuracy:</p> <ol style="list-style-type: none">1. Form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed by the applicant. The Duplicate (fee required) block must be checked. <p>NOTE: A form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, may not be used in lieu of form HSMV 82101.</p> <ol style="list-style-type: none">2. The duplicate authorization verification portion of form HSMV 82101, must be completed when the address shown on the application is different from the address shown on DMV records.3. Title fees in the amount of \$19.25 for a duplicate title. <p>NOTE: Refer to TL-05 for additional information.</p> <p>F. If the customer makes a request to add a lien to a title and the original certificate of title has been lost or destroyed, process as a Modify Title transaction. The following documentation should be submitted to the tax collector's office to be screened for completeness and accuracy:</p> <ol style="list-style-type: none">1. Form HSMV 82101, Application for Duplicate or Lost In Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate, accurately completed by the applicant. The Duplicate (fee required) block must be checked. <p>NOTE: A form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, may not be used in lieu of form HSMV 82101.</p> <ol style="list-style-type: none">2. The duplicate authorization verification portion of form HSMV 82101, must be completed when the address shown on the application is different from the address shown on DMV records.3. Form HSMV 82139, Application for Notice of Lien/Reassignment of Lien or Notice to First Lienholder of Subsequent Lien, accurately completed, OR specify the lien holder information in the "Lienholder Information" area on the completed form 82101.4. Title fees in the amount of \$16.25.	
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- G. To process a **"lien add"** on a Florida Certificate of Title for an **off-highway vehicle**, the following documentation is required and should be submitted to the tax collector's office to be screened for completeness and accuracy:
1. The Florida Certificate of Title.
 2. Sections 1 and 2 of form HSMV 82139, Notice of Lien, accurately completed by the applicant(s)
- or,**
- A form HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the applicant(s), when the title will be held by the lienholder.

NOTE: A form HSMV 82139, Notice of Lien, must be completed if the lienholder authorizes the title to be mailed to the registered owner.

3. Title and lien fee in the amount of \$30.25.

NOTE: Refer to TL-32 for additional information.

H. When an off-highway vehicle has been repossessed (07/01/02 or later) and the vehicle has NEVER been titled; the following documentation is required and should be submitted to the tax collector's office to be screened for completeness and accuracy:

- 1. Form HSMV 82040, Application for Certificate of Title with/without Registration, or HSMV 82041, Application for Vehicle/Vessel Certificate of Title and/or Registration, accurately completed by the lienholder, as applicant.**
- 2. A photocopy of the lien contract (showing a complete description) for the off-highway vehicle.**
- 3. Title fees.**

NOTE: When an off-highway vehicle has been repossessed and a certificate of title HAS been previously issued to the individual showing the lien, follow the instructions in DMV Procedure TL-23.

III. MISCELLANEOUS INFORMATION:

- A. Any off-highway vehicle weighing over 900 pounds is not subject to title.
- B. If a dealer purchased a **USED** off-highway vehicle (07/01/02 or after) **and a valid title is not available for reassignment by the dealer (because it has never been issued to the individual selling the vehicle to the dealer)**, the dealership must take title in its name, prior to selling the off-highway vehicle. **However, the dealer would not be required to pay sales tax if the vehicle is for resale purposes.**

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<p>C. When an application for duplicate title is submitted for an off-highway vehicle and the address on the form is different from the address on DMV records, the verification portion of the form HSMV 82101 must be completed.</p> <p>D. Off-highway vehicles will NOT be issued a license plate or decal.</p> <p>E. Fast title service is not allowed on an off-highway vehicle transaction.</p> <p>F. A lien reassignment transaction is not allowed on an off-highway vehicle.</p> <p>G. The salvage law does not apply to off-highway vehicles. However, if an insurance company pays a total loss claim on an off-highway vehicle, they must get a clear title in their name prior to selling the vehicle. The title cannot be branded as a salvage.</p> <p><u>H. A replacement decal may be issued to an off-highway vehicle, if applicable. However, if the confidential VIN for the off-highway vehicle cannot be found, an FLA decal must be assigned.</u></p> <p><u>I. Towing and storage charges may be applicable to any off-highway vehicle that was towed pursuant to section 713.78, Florida Statutes. See DMV Procedure TL-26 for further information.</u></p> <p><u>J.</u> If a penalty fee is applicable for an off-highway vehicle transaction, the county retains \$5 and the remaining \$5 is deposited into the Incidental Trust Fund, Division of Forestry, Department of Agriculture and Consumer Services (ITFDF) fund.</p> <p><u>K.</u> See Forms Appendix for a sample of the HSMV forms referred to in this procedure.</p>	
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EXHIBIT A

CHECK LIST FOR NEW OR USED OFF-HIGHWAY VEHICLES PURCHASED PRIOR TO 07/01/02

_____ Form HSMV 82040 or 82041.

_____ **ONE** of the following:

_____ A Manufacturer's Certificate of Origin

_____ A bill of sale (must include the year, make and vehicle identification number of the off-highway vehicle).

_____ A notarized/perjury clause affidavit of ownership(must include a complete description of the off-highway vehicle).

_____ Lien satisfaction(s), if applicable.

_____ Title fees (\$33.25, with or without a lien).

CHECK LIST FOR NEW OFF-HIGHWAY VEHICLES, PURCHASED 07/01/02 OR LATER

_____ Form HSMV 82040 or 82041.

_____ Manufacturer's Certificate of Origin.

_____ Florida sales tax or specify sales tax information on form HSMV 82040 or form HSMV 82041.

_____ Title fees (\$33.25, with or without a lien).

**CHECK LIST FOR USED OFF-HIGHWAY VEHICLES
(PURCHASED OUT-OF-STATE), 07/01/02 OR LATER**

_____ Form HSMV 82040 or 82041.

_____ Out-of-state proof of ownership,

Or

If that state does not title/register off-highway vehicles, the following would be required:

_____ A dealer's bill of sale (if applicable),

Or

_____ The registration from that state (if applicable) and a bill of sale from the seller to the purchaser.

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify sales tax information on form HSMV 82040 or form HSMV 82041.

_____ Title fees (\$33.25, with or without a lien).

EXHIBIT A (page 2, cont.)

**CHECK LIST FOR USED OFF-HIGHWAY VEHICLES
(PURCHASED IN FLORIDA), 07/01/02 OR LATER**

_____ Form HSMV 82040 or 82041.

_____ Florida Certificate of Title,

Or

_____ A bill of sale (must include the year, make and vehicle identification number of the off-highway vehicle).

_____ Lien satisfaction(s), if applicable.

_____ Florida sales tax or specify sales tax information on form HSMV 82040 or form HSMV 82041.

_____ Title fees (\$33.25, with or without a lien).

CHECK LIST FOR TRANSFER OF TITLE FOR AN OFF-HIGHWAY VEHICLE

_____ Florida Certificate of Title completed in the:

_____ "Transfer of Title By Seller" section.

_____ Application for title on an accurately completed:

_____ Form HSMV 82040,

or

_____ Form HSMV 82041,

or

_____ "Application for Title by Purchaser" section on the reverse side of the Florida title.

_____ Satisfaction for any outstanding lien shown against previous owner, unless there is a "Transfer of Equity."

_____ Florida sales tax or specify sales tax information on form HSMV 82040 or form HSMV 82041.

_____ Title fees (\$33.25, with or without a lien).

EXHIBIT A (page 3, cont.)

CHECK LIST FOR DUPLICATE TITLE FOR AN OFF-HIGHWAY VEHICLE

- _____ Form HSMV 82101, accurately completed.
- _____ Lien satisfaction, if applicable.
- _____ Title fees (\$19.25).

CHECK LIST FOR MODIFY TITLE TRANSACTION (ADDING A LIEN WITH A DUPLICATE APPLICATION) FOR AN OFF-HIGHWAY VEHICLE

- _____ Form HSMV 82101, accurately completed.
- _____ Form HSMV 82139, accurately completed, OR specify the lien holder information in the "Lienholder Information" area on the completed form 82101.
- _____ Title fees (\$16.25).

CHECK LIST FOR A "LIEN ADD" ON AN OFF-HIGHWAY VEHICLE

- _____ The Florida Certificate of Title.
- _____ Form HSMV 82139,
or
- _____ Form HSMV 82041.
- _____ Title and lien fees (\$30.25).

CHECK LIST FOR AN OFF-HIGHWAY VEHICLE THAT HAS BEEN REPOSSESSED AND HAS NEVER BEEN TITLED

- _____ **Form HSMV 82040 or 82041, completed by the lienholder.**
- _____ **A photocopy of the lien contract (showing a complete description) for the off-highway vehicle.**
- _____ **Title fees.**

NOTE: When an off-highway vehicle has been repossessed and a certificate of title HAS been previously issued to the individual showing the lien, follow the instructions in DMV Procedure TL-23.