

HOW TO FILE AN INVOLUNTARY TRANSFER OF VEHICLE TITLE



Disclaimer

Neither the staff in the Center nor the staff in any Court office will be able to give you legal advice or help you fill out/complete the forms. The information in the packets is not to be a substitute for professional legal advice. The Court assumes no responsibility and accepts no liability for actions taken by users of these documents, including reliance on their contents. If you want to obtain the services of an attorney but do not know whom to contact, you may call the Lawyer Referral service at 393-0737.

Involuntary Transfer of Vehicle Title

Purpose:

The procedures set forth in this packet are for rare factual situations that do not involve abandoned vehicles or situations where a title can be obtained by the use of the Certificate of Title or the Vehicle's Manufacturer's Certificate of Origin.

This packet will serve to help guide individuals seeking an involuntary transfer of title to a vehicle. This procedure involves obtaining the vehicle information from PennDOT, starting a legal action to obtain the title, providing notice to all potentially interested parties, and attempting to prove your case at a hearing. **Please note that following the procedures outlined in this packet do not guarantee that the Court will grant you an involuntary transfer to the title of the vehicle.**

This procedure does not apply to abandoned vehicles. An abandoned vehicle should be reported to the police. If the abandoned vehicle remains unclaimed after the police, the salvors, and PennDOT go through the necessary steps required by Chapter 73 of Title 75 of Purdon's Pennsylvania Statutes, then title to the abandoned vehicle could be obtained after purchasing of the vehicle at a public auction.

An "abandoned vehicle" in the context of private property is defined under Pennsylvania law 75 Pa.C.S.A. §102 as:

- (1) A vehicle (other than a pedalcycle) shall be presumed to be abandoned under any of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence: ...
 - (iv) The vehicle has remained on private property without the consent of the owner or person in control of the property for more than 24 hours.

Since every set of facts and surrounding circumstances will be unique, a person attempting an involuntary transfer of a vehicle title should seek the advice of a private attorney. **Please do not approach courthouse personnel to aid you in your pursuit of an involuntary transfer of title.**

Procedures:

1. Follow the instructions and file a DL-135 form (request for vehicle information) along with the appropriate fees to the PennDOT. The DL-135 form and the instructions are provided with this packet.
2. Once PennDOT provides you with the vehicle information that you requested through form DL-135, you could commence an action with a court of competent jurisdiction. Unfortunately, describing the type of action to be commenced or the court within which the action should be commenced is impossible given the wide range of potential facts for your case. If you do not know what type of action to file or where to file it, you should contact a private attorney. **You should not inquire with any Court personnel about the answers to these questions.**
3. When you commence the legal action, you must immediately provide notice to all parties described in the vehicle information obtained from PennDOT. The notice must be sent by U.S. certified mail, return receipt requested, and must include:
 - a. A copy of all paperwork filed with or received from the Court;
 - b. A specific description of the vehicle including the year, make, model, title number, vehicle identification number (VIN), and registration plate number. You should include as much of the above information that is known to you;
 - c. State the location where the vehicle is being held;
 - d. The court of competent jurisdiction where the action was commenced; and
 - e. The time, date, and place of any Court proceeding or hearing.
4. If you receive a response from the interested parties, please attempt to resolve the vehicle ownership without the Court's involvement.
5. If any of the notices sent via certified mail come back for any reason, then you must publish the contents of the notice set forth in #3 (only b-e) at least once in the county legal journal(s) and at least once per week for three consecutive weeks in the newspaper(s) of general circulation where any person known to claim an interest in the vehicle may be located and where the vehicle is located, if these two locations are different. Please refer to the *Pennsylvania Bar Association Lawyers Directory and Product Guide* to determine the appropriate legal journal.
6. Once the notice requirements are satisfied, you should ask the Court within which you filed an action to schedule a hearing if one has not already been scheduled.

7. A second notice must be sent to all potential parties identified by PennDOT once a hearing has been scheduled. This notice must also include items a-e described in #3 above.
8. Again, if any of the notices sent via certified mail come back for any reason, then you must publish the contents of the notice set forth above (only b-e) as set forth in #5.
9. Attend the hearing and be prepared to prove to the Court that you have satisfied all the steps required by this packet.

Please note that because the facts of every case can vary greatly, complying with the requirements set forth in this packet does not guarantee that the Court will transfer to the title to you.

10. If the Court enters an order granting your request for an involuntary transfer of the vehicle title, PennDOT may issue a Certificate of Title to the person named in the Court order upon receipt of the following:
 - f. A certified copy of the Court order entered declaring the owner of the vehicle;
 - g. Form MV-1, "Application for Certificate of Title", and check or money order payable to the Commonwealth of Pennsylvania.
 - h. Appropriate sales tax, title, and registration fees.

SAMPLE COURT ORDER

AND NOW, this _____ day of _____, 20____, after reasonable notice and an opportunity for hearing having been provided to all interested parties, the Court hereby awards ownership of one [year], [make], [model], bearing vehicle identification number _____ to [name of applicant], and the right, title and interest of any other person to said vehicle is hereby extinguished. The Commonwealth of Pennsylvania, Department of Transportation may accept this order as evidence of ownership in lieu of a Certificate of Title. The Applicant shall submit the appropriate forms, taxes, and fees and comply with any other procedures of the Commonwealth of Pennsylvania, Department of Transportation in order to receive the appropriate Certificate of Title for said vehicle:

BY THE COURT:

Judge

INSTRUCTIONS

1. A \$5.00 non-refundable fee is required for each request. If the Bureau has no record for the information requested or the data supplied is insufficient, the fee will be applied to the cost of the search.
2. **PRINT OR TYPE** all requested information on front of form. Submitting **ONLY** a name or name and address does not provide enough information for a proper search of the vehicle files.

In order to protect the privacy of the citizens of the Commonwealth, a search on TAG Number only will not be completed. The application must also contain the name and address of the vehicle owner, the title number or the Vehicle Identification Number.

3. **If requesting your own record**, complete Sections A, C and D only. Notarization is NOT required.

If you currently own the vehicle but are requesting a Title History, you must complete Section F and have the application notarized.

4. **If requesting someone else's record**, complete Sections A, C, D, and either E or F.

5. **If requesting a record on behalf of another person**, complete Sections A, B, C, D, and either E or F.

HOURS TO CALL FOR INFORMATION 7:00 A.M. TO 9:00 P.M.

IN STATE	1-800-932-4600
OUT-OF-STATE	(717) 391-6190
TDD IN STATE	1-800-228-0676
TDD OUT-OF-STATE	(717) 391-6191

6. Make check or money order payable to: "**Commonwealth of PA**".

DO NOT SEND CASH. Attach your check or money order and send to:

**Department of Transportation
Bureau of Driver Licensing
Vehicle Record Services
P.O. Box 68691
Harrisburg, PA 17106-8691**

DESCRIPTION OF INFORMATION AVAILABLE

Vehicle record information is available for the past 10 years only

- **Title History** A copy of the title transaction documents will be provided. **NOTE:** Sales tax and purchase price are considered confidential and will not be provided.
- **Odometer** A copy of the title/renewal transaction will be provided. **NOTE:** Sales tax and purchase price are considered confidential and will not be provided.
- **Encumbrance** Includes basic information listed above in addition to lienholder's name and address and expiration date.
- **Insurance** A copy of the title/renewal transaction will be provided. **NOTE:** Sales tax and purchase price are considered confidential and will not be provided.
- **Basic** Includes name, address, title number, tag, vehicle identification number (VIN), make and expiration date of tag.