



Tip of the Month May 2020

How to Advise Sellers on Car Title Transfers

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Car title issues are a common theme at the Legal Access Point Clinic. Many clients buy and sell cars person-to-person instead of through dealers, which means car titles are often improperly transferred. If this happens, clients can sue to “force” the title into or out of their name. The Minnesota Courts have a process, advice and forms for buyers to force a title out of the seller's name. They do not provide this same help for sellers because people misused this process. In lieu of court guidance, many sellers come to our clinics for help.

The Basics – how to properly transfer a car title:

Please refer to [this prior Tip of the Month, “Car Title Transfers for Private Sales”](#). Minn. Stat. 168.A10 governs the issue.

Sellers who didn’t properly complete the car title transfer and now want to do so:

Many clients want to start this process but don’t know how to proceed. Often, the client won’t have current contact information for the buyer, or the buyer has stopped communicating. To force a car title out of their name, the client must start a lawsuit in district court. VLN created instructions and forms for this purpose:

- [Instruction Guide to Obtain a Court Order for Change of Title to a Motor Vehicle](#)
- [Forms Packet](#) – includes:
 - seller’s motion for change of title to vehicle
 - notice of motion
 - affidavit for motion
 - proposed order
 - affidavit of mailing to send to the buyer
 - affidavit of mailing to send to the Commissioner of the Minnesota Department of Public Safety

Sellers who are worried about their liability for buyer's actions:

When a title is not transferred during a car sale, the seller will still be listed as the registered owner of the car. Clients often seek advice on how to avoid liability and bills for tickets and car accidents. In some cases, Minn. Stat. 168.A10 Subd. 5. removes seller liability. A seller is not liable for any damages resulting from operation of the vehicle after the delivery of the vehicle to the buyer if they deliver possession of the vehicle to the new owner *and* have complied, *or* within 48 hours after the delivery do comply, with the provisions of Minn. Stat. 168.A10 (i.e., properly transfers the title) requiring action by the owner. An owner is also not liable for any damages resulting from operation of the vehicle after the delivery of the vehicle to the buyer if they have complied with the provisions of this section *other than* completing and returning the Notice of Sale or transmitting the required information electronically under subdivision 1.

If it is unclear if the car title was transferred, try calling DVS to find out when the last title transfer took place. The actual name of the car owner is confidential.

DVS: Ownership transfers, titles, vehicle registration - (651) 297-2126