

Motor Vehicle Procedure Manual

Title and Lien

Mark Title Sold

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Legal Authority

[Section 319.22 \(2\) \(b\), Florida Statutes](#), requires an owner or co-owner who has transferred or sold a motor vehicle and has delivered the motor vehicle to a purchaser, to notify the department within 30 days after the sale or transfer using the form prescribed by the department. Notice by such owner or co-owner shall satisfy the notice requirement for limitation of liability.

The above requirement does not apply when a vehicle is traded in or sold to a licensed motor vehicle dealer or when an insurance company takes possession of the motor vehicle due to a policy of insurance.

[Section 319.23\(6\), Florida Statutes](#), requires a licensed dealer that acquires a motor vehicle or mobile home by trade-in to file with the department within 30 days by submitting a notice of sale signed by the seller.

[Section 328.01\(3\) \(d\), Florida Statutes](#), provides that an owner or co-owner who has transferred or sold a vessel and has delivered the vessel to a purchaser along with a properly endorsed title or has submitted a notice prescribed by the department, shall not be considered the owner or co-owner and not be subject to civil liability for the operation of such vessel. Void: To vacate or undo an incorrect transaction record that is marked pending on the Division of Motorist Services (MS) database.

Description and Use

This procedure provides information and instructions to assist employees of the tax collector, license plate agent, and the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) for processing a notice of sale for a motor vehicle, mobile home, or vessel.

Documentation Required and Special Instructions

In some instances, the owner/seller may not accompany the buyer/purchaser to perfect the transfer of a title; therefore, the title transfer may not be completed in a timely manner.

- A. The instructions listed below should be followed to mark a title record as sold:
1. The seller/owner must submit an accurately completed [Notice of Sale/or Bill of Sale for a Motor Vehicle, Mobile Home, Off-Highway Vehicle or Vessel – HSMV 82050](#) or the completed for labeled “Notice of Sale of Motor Vehicle, Mobile Home or Vessel” located on the top section (back) of the certificate of title, to the tax collector’s office or license plate agent.
 2. When a motor vehicle or mobile home is traded into a licensed dealership, the dealership must submit a notice of sale signed by the seller to the department within 30 days by completing section 7 on [Application for Certificate of Motor Vehicle Title - HSMV 82040 MV](#) or [Application for Certificate of Mobile Home Title - HSMV 82040 MH](#).

The DMV database must be updated to reflect “sold” for the motor vehicle traded in when the customer’s paperwork is submitted to the tax collector’s office. The title clerk processing the transaction will need to verify that the name(s) on the motor vehicle issuance system and the name(s) on the form [HSMV 82040 MV](#) are the same. If the motor vehicle traded in has already been transferred to a new owner, the title clerk should not mark the database as sold.

The above information applies when the motor vehicle is traded into a licensed dealership. However, if the sale is casual or private, the seller should complete [HSMV 82050](#), or the completed form

labeled “Notice of Sale of Motor vehicle, Mobile Home or Vessel” located on the top section (back) of the certificate of title.

3. When the title clerk processes the transaction, the DMV database will update to reflect “sold.” The name of the purchaser/dealer and the actual date of sale must be entered in the “comment desc” field. The actual date of sale may differ from the date of the transaction. If the exact date of the sale is unknown, enter as much of the date as you have, such as: 07/03 or 2003. The seller’s name will remain on the DMV database until the certificate of title is submitted for transfer.

The title clerk must physically view the completed and signed form [HSMV 82050](#) or the completed and signed top section (back) of the certificate of title. However, the Department does not retain this form. It is the customer’s responsibility to retain the form for their records.

- B. If the purchaser loses the title and the motor vehicle issuance system reflects “sold,” the seller must apply for a duplicate by submitting the following to the tax collector’s office.
 1. Application for Duplicate or Lost in Transit/Reassignment for a Motor Vehicle, Mobile Home or Vessel Title Certificate – HSMV 82101, accurately completed by the seller.
 2. After the duplicate is issued, if the new purchaser is not ready to process the transfer of title transaction, the title clerk will need to update the motor vehicle issuance system to reflect the previous status of “sold.”

Miscellaneous Information

- A. The motor vehicle issuance system will prompt the “sold” status on all transactions after the “mark title sold” transaction has been successfully performed.
- B. Registration information (for a motor vehicle or mobile home) associated with the title record will be detached. This will allow the system to issue a temporary license plate, if applicable.

C. When a purchaser of a motor vehicle or mobile home (casual or private sale) is waiting for the previous owner's lienholder to release the certificate of title, the purchaser must submit the following to the license plate agent for them to "mark title sold" and issue a temporary license plate, since the lien is not being satisfied at this time.

1. A letter of verification (signed by the previous owner's lienholder) stating the loan has been paid and it will be several weeks before the title (with the lien satisfaction) is mailed to the customer.

or

2. A letter of verification (signed by the purchaser's lienholder) stating they have paid off the loan (against the previous owner) and it will be several weeks before the previous owner's lienholder releases the title (with the lien satisfaction) to them for their customer.

and

An accurately completed form [Notice of Sale and/or Bill of Sale for a Motor Vehicle, Mobile Home, Off-Highway Vehicle or Vessel – HSMV 82050](#).

This process does not apply to vessels.

- D. Use the date shown in the "transfer of title by seller" section on the title to determine if a penalty fee is due. If there is no date on the title, use the title status date of the "mark title sold" transaction. However, if the "mark title sold" transaction has a date in the "comment desc" field, use that date instead.
- E. If a certificate of title is submitted for transfer and the name of the purchaser/ dealer entered in the title "transfer of title by seller" section has been lined through or altered and the system reflects "sold," refer to [TL-11](#), section III.

- F. If the “mark title sold” transaction was done in error and a purchaser/dealer did not take possession of the motor vehicle or vessel, submit an affidavit from the seller stating that fact.

The sold flag may be removed in a “title correction” transaction. A certificate of title should not be printed.

Revision(s) to Procedure

Removed item G under Section III, which requires the clerk to enter a non-ELT exception reason when marking a paper title sold for a non-ELT lienholder. Removed “Note” headings.

3/27/13: Added item G under Section III, which requires the clerk to enter a non-ELT exception reason when marking a paper title sold for a non-ELT lienholder.