

DISTRICT OF COLUMBIA
OFFICIAL CODE

TITLE 50.
MOTOR AND NON-MOTOR VEHICLES AND
TRAFFIC.

CHAPTER 12.
LIENS ON MOTOR VEHICLES OR TRAILERS.

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DISTRICT OF COLUMBIA OFFICIAL CODE
CHAPTER 12. LIENS ON MOTOR VEHICLES OR
TRAILERS.

TABLE OF CONTENTS

§ 50-1201. Definitions.	
§ 50-1202. Lien to appear on certificate of title; effect of other liens.	
§ 50-1203. Entry of lien--Priority.	
§ 50-1204. Entry of lien--Form and requirements of instrument creating lien; when lien not entered.	
§ 50-1205. Liens to be kept by Recorder in Director's office.[Repealed]	
§ 50-1206. Liens shown by application for certificate; entry of lien; collection of fees; absence of liens to be shown; certificate to holder of first lien.	
§ 50-1207. Entry of lien on previously issued certificate.	
§ 50-1208. Assignment of lien; form and requirement of assignment; entry and recording of assignment; certificate to holder of first lien.	
§ 50-1209. Entry of lien or assignment where certificate is not available; Recorder to obtain certificate.	
§ 50-1210. Satisfaction of liens--Possession of certificate.	
§ 50-1211. Satisfaction of liens--Duties of Recorder; procedure when certificate lost.	
§ 50-1212. Recordation fee.	
§ 50-1213. Fee for releasing liens.	
§ 50-1214. Place and method of recordation.[Repealed]	
§ 50-1215. False statements as to liens; violations of law chapter.	
§ 50-1216. Appropriation.	
§ 50-1217. Terminal rental adjustment clauses: vehicle leases that are not sales or security interests.	
§ 50-1218. Electronic creation, recordation, and transfer of liens.	

CHAPTER 12. LIENS ON MOTOR VEHICLES OR TRAILERS.

§ 50-1201. DEFINITIONS.

For the purposes of this chapter, the term:

- (1) "Person" shall include one or more individuals, firms or unincorporated associations, or corporations.
- (2) "Director" shall mean the Director of the Department of Motor Vehicles, including assistants or agents duly designated by the Mayor of the District of Columbia.
- (3) "Recorder" shall mean an agent responsible for recording liens, appointed by the Director.
- (4) "Certificate" shall mean a certificate of title for a motor vehicle or trailer issued by the Director.
- (5) "Owner" shall mean the person to whom such certificate is issued by the Director.
- (6) "Lien" shall mean any right or interest in or to, any security interest as defined in § 28:1-201 of the District of Columbia Official Code in, or lien or encumbrance upon any motor vehicle or trailer, or the equipment or accessories affixed or sold to be affixed thereto, in favor of a person other than the owner, except:
 - (A) A sale of such motor vehicle or trailer accompanied by delivery of possession and on execution of the assignment on the back of the certificate covering it; or
 - (B) Any possessory lien now or hereafter provided by law or any lien acquired in any judicial proceeding.
- (7) "Instrument" shall mean any security agreement, as defined in § 28:9- 105(l) of the District of Columbia Official Code, creating such lien.
- (8) "Lien information" shall mean the amount, kind, date of lien, name and address of holder or secured party as defined in § 28:9-105(m) of the District of Columbia Official Code, and Recorder's record number, if any.
- (9) "Motor vehicle" means all vehicles propelled by internal-combustion engines, electricity, or steam. The term "motor vehicle" shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, personal mobility devices, as defined by § 50-2201.02(12), or a battery-operated wheelchair when operated by a person with a disability.

(July 2, 1940, 54 Stat. 736, ch. 527, § 1; Dec. 30, 1963, 77 Stat. 771, Pub. L. 88-243, § 6(a); Mar. 15, 1985, D.C. Law 5-176, § 9, 32 DCR 748; Mar. 25, 2003, D.C. Law 14-235, § 5, 49 DCR 9788; Mar. 13, 2004, D.C. Law 15-105, § 90(a), 51 DCR 881; Mar. 6, 2007, D.C. Law 16-224, § 204, 53 DCR 10225; Mar. 14, 2007, D.C. Law 16-279, § 201(a), 54 DCR 903; Mar. 25, 2009, D.C. Law 17-353, § 149, 56 DCR 1117.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1001.

1973 Ed., § 40-701.

Effect of Amendments

D.C. Law 14-235 rewrote subsec. (i) (redesignated as par. (9)) which had read as follows:

"(i) 'Motor vehicle' shall mean all vehicles propelled by internal-combustion engines, electricity, or steam. The term 'motor vehicle' shall not include traction engines, road rollers, vehicles propelled only upon rails or tracks, and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour."

D.C. Law 15-105, in subsec. (i) (redesignated as par. (9)), validated a previously made technical correction.

D.C. Law 16-224, in subsec. (i) (redesignated as par. (9)), revived the provisions of D.C. Law 14-235 that expired on October 1, 2005, and substituted "personal mobility devices, as defined by § 50-2201.02(12), or a battery-operated wheelchair when operated by a person with a disability" for "electric personal assistive mobility devices, as defined by § 50-2201.02(12), and battery-operated wheelchairs when operated by a handicapped person at speeds not exceeding 10 miles per hour".

D.C. Law 16-279, in par. (2), substituted "the Director of the Department of Motor Vehicles" for "the Director of Vehicles and Traffic of the District of Columbia"; and rewrote par. (3), which formerly read:

"(c) 'Recorder' shall mean the Recorder of Deeds of the District of Columbia, including assistants or agents duly designated by the Recorder."

D.C. Law 16-305, in par. (9), purported to substitute "person with a disability" for "handicapped person".

D.C. Law 17-353 validated a previously made technical correction in par. (6).

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 5 of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Temporary Amendment Act of 2006 (D.C. Law 16-85, April 4, 2006, law notification 53 DCR 3344).

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 5 of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Emergency Amendment Act of 2005 (D.C. Act 16-237, December 22, 2005, 53 DCR 249).

For temporary (90 day) amendment of section, see § 5 of Motor Vehicle Definition Electric Personal Assistive Mobility Device Exemption Congressional Review Emergency Amendment Act of 2006 (D.C. Act 16-323, March 23, 2006, 53 DCR 2567).

For temporary (90 day) amendment of section, see § 204 of Personal Mobility Device Emergency Amendment Act of 2006 (D.C. Act 16-528, December 4, 2006, 53 DCR 9826).

Legislative History of Laws

For legislative history of D.C. Law 5-176, see Historical and Statutory Notes following § 50-1108.

For Law 14-235, see notes following § 50-601.

For Law 15-105, see notes following § 50-203.

For Law 16-224, see notes following § 50-601.

For Law 16-279, see notes following § 50-312.

For Law 16-305, see notes following § 50-101.

For Law 17-353, see notes following § 50-324.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

Miscellaneous Notes

Department of Vehicles and Traffic abolished: See Historical and Statutory Notes following § 50-2201.03.

Expiration of Law 14-235: Section 14 of D.C. Law 14-235 provided that the act shall expire on October 1, 2005.

§ 50-1202. LIEN TO APPEAR ON CERTIFICATE OF TITLE; EFFECT OF OTHER LIENS.

During the time a certificate is outstanding for any motor vehicle or trailer, no lien against such motor vehicle or trailer or any equipment or accessories affixed or sold to be affixed thereto shall be valid except as between the parties and as to other persons having actual notice, unless and until entered on such certificate as hereinafter set forth; provided, that the foregoing shall not apply to a lien or liens in existence

on January 1, 1940, against a motor vehicle or trailer for which a certificate is outstanding on January 1, 1941, or any equipment or accessories affixed thereto. The filing provisions of Article 9 of Subtitle I of Title 28 of the District of Columbia Official Code do not apply to liens recorded as herein provided, and a lien has no greater validity or effect during the time a certificate is outstanding for the motor vehicle or trailer covered thereby by reason of the fact that the lien has been filed in accordance with that article.

(July 2, 1940, 54 Stat. 736, ch. 527, § 2; Dec. 30, 1963, 77 Stat. 771, Pub. L. 88-243, § 6(b).)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1002.

1973 Ed., § 40-702.

§ 50-1203. ENTRY OF LIEN--PRIORITY.

In the absence of agreement of all parties affected and in the absence of circumstances estopping a lienholder from insisting upon such rights, lien shall be entered on the certificate by the Recorder and shall have priority among themselves in the following order:

- (1) If the motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction, unsatisfied liens shown by the previous certificate, title, registry, or proof of ownership shall be entered in the order in which they appear on such previous certificate, title, registry, or proof of ownership.
- (2) Liens for which instruments are presented with the application for the certificate.
- (3) Liens, where the instruments are presented for recording, together with the certificate, irrespective of the fact that 1 or more instruments not entered on the certificate may have been previously presented for recording without such certificate.
- (4) As between 2 or more instruments presented for recording without the certificate, the one first presented for recording shall have priority.

(July 2, 1940, 54 Stat. 737, ch. 527, § 3.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1003.

1973 Ed., § 40-703.

§ 50-1204. ENTRY OF LIEN--FORM AND REQUIREMENTS OF INSTRUMENT CREATING LIEN; WHEN LIEN NOT ENTERED.

(a) An instrument:

- (1) Shall be in writing;
- (2) Shall show the name and address of the holder, the trade name and engine, serial or identification number of the motor vehicle or the trade name and serial number, if any, of the trailer; and
- (3) Shall be signed by the parties.

(b) A lien shall not be entered upon a certificate unless:

- (1) The motor vehicle or trailer has been previously titled or registered in this or some other jurisdiction and the lien is shown upon such previous certificate, title, registry, or proof of ownership;
- (2) Such an instrument is presented for recording pursuant to the provisions of this chapter; or
- (3) The lien is shown on the application for a certificate, and was created prior to January 1, 1941, or was created while the motor vehicle or trailer was titled or registered in some other jurisdiction.

(July 2, 1940, 54 Stat. 737, ch. 527, § 4; June 4, 1952, 66 Stat. 100, ch. 365, § 1; Dec. 30, 1963, 77 Stat. 771, Pub. L. 88-243, § 7; Apr. 20, 1999, D.C. Law 12-264, § 45, 46 DCR 2118.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1004.

1973 Ed., § 40-704.

Law 12-264, the "Technical Amendments Act of 1998," was introduced in Council and assigned Bill No. 12-804, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 10, 1998, and December 1, 1998, respectively. Signed by the Mayor on January 7, 1999, it was assigned Act No. 12-626 and transmitted to both Houses of Congress for its review. D.C. Law 12-264 became effective on April 20, 1999.

§ 50-1205. LIENS TO BE KEPT BY RECORDER IN DIRECTOR'S OFFICE.[REPEALED]

(July 2, 1940, 54 Stat. 737, ch. 527, § 5; Mar. 14, 2007 D.C. Law 16-279, § 201(b), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1005.

1973 Ed., § 40-705.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 50-1206. LIENS SHOWN BY APPLICATION FOR CERTIFICATE; ENTRY OF LIEN; COLLECTION OF FEES; ABSENCE OF LIENS TO BE SHOWN; CERTIFICATE TO HOLDER OF FIRST LIEN.

Applications for certificates of title shall state whether or not there are any liens against the motor vehicle or trailer or any equipment or accessories affixed thereto, and, if so, the lien information in the order of its priority, and shall be accompanied by instruments or any other papers necessary to entitle liens to be entered on the certificate. Upon receipt of an application for a certificate and accompanying documents, if any, or on the application for a duplicate, the Director shall compare the statements in the application as to liens with the Department's records and the documents and instruments accompanying the application, and, if such statements are incorrect or incomplete or if any of the liens shown by the application are not entitled to be entered on the certificate in the same order as they appear on the application, the Director shall return all of the papers and advise the applicant of the reasons for the denial of the application. If the statements as to liens are full, true, and complete and all liens shown by the application are entitled to be entered on the certificate in the same order as they appear on the application, the Director shall issue the certificate. The Director shall deliver or mail the certificate to the record holder of the first lien shown on the certificate or his representative, or, if there are no liens, to the owner or his representative.

(July 2, 1940, 54 Stat. 737, ch. 527, § 6; Aug. 5, 1963, 77 Stat. 119, Pub. L. 88-89, § 1; Dec. 4, 1967, 81 Stat. 532, Pub. L. 90-172, § 2; Mar. 14, 2007, D.C. Law 16-279, § 201(c), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1006.

1973 Ed., § 40-706.

Effect of Amendments

D.C. Law 16-279 rewrote this section, which formerly read:

"Applications for certificates, in addition to all other matters which may be required by law, shall show whether or not there are any liens against the motor vehicle or trailer or any equipment or accessories affixed thereto and if so, the lien information in the order of its priority, and shall be accompanied by instruments or any other papers necessary to entitle liens to be entered on the certificate. Upon receipt by the Recorder from the Director of an application for a certificate and accompanying documents, if any, or on the application for a

duplicate, the Recorder shall compare the statements in the application as to liens with his records and the documents and instruments accompanying the application and if such statements are incorrect or incomplete or if any of the liens shown by the application and not entitled to be entered on the certificate in the same order as they appear on the application the Recorder shall return all of said papers to the Director and advise him of the reasons therefor. If the statements as to liens are full, true, and complete and all liens shown by the application are entitled to be entered on the certificate in the same order as they appear on the application, the Recorder shall stamp on the application the words, 'Statements as to liens in accordance with records,' a facsimile of his signature, and the date, shall accept all instruments accompanying the application for recording and shall stamp his record number opposite the statement of each lien on the application for certificate. The Recorder shall retain the instruments for his permanent file and collect the fees and charges thereon and return the application and all other papers to the Director, who shall thereupon deliver same to a representative of the Collector of Taxes of the District of Columbia, stationed in the office of the Director. Said representative shall then collect from the applicant or his representative all fees and charges in connection with the issuance of the certificate and shall return said application and papers to the Director. The Director shall thereupon issue the certificate and where liens are shown on such an application shall stamp upon a card, the size of which shall be fixed by the Director, the information stamped by the Director on the face of such certificate and shall deliver such certificate, its application card, if any, and the identification-tag application to the Recorder. If the application for title shows no liens, the Recorder shall stamp on the certificate and on the reverse side of that portion of the application for identification tags known as 'Collector's Coupon' the words 'No Liens Shown By Records' and the date. If the application shows liens, the Recorder shall stamp aforesaid 'Collector's Coupon' with the words 'Lien Recorded' and shall enter the lien information on certificate and on the said card. The aforesaid stamping and entering shall be made on the face of the certificate in the space provided for the use of the Recorder. The Recorder shall then deliver both applications and the papers attached and the certificate to the Director, who shall retain the application and the papers attached and shall deliver or mail the certificate to the record holder of the 1st lien shown thereon or his representative; or if there are no liens, then to the owner or his representative."

Legislative History of Laws

For Law 16-279, see notes following § 50-312.

Miscellaneous Notes

Office of Collector of Taxes abolished: The Office of the Collector of Taxes was abolished and the functions thereof transferred to the Board of Commissioners of the District of Columbia by Reorganization Plan No. 5 of 1952. All functions of the Office of the Collector of Taxes including the functions of all officers, employees and subordinate agencies were transferred to the Director, Department of General Administration by Reorganization Order No. 3, dated August 26, 1952. Reorganization Order No. 20, dated November 10, 1952, transferred the functions of the Collector of Taxes to the Finance Office. The same Order provided for the Office of the Collector of Taxes headed by a Collector in the Finance Office and abolished the previously existing Office of the Collector of Taxes. Reorganization Order No. 20 was superseded and replaced by Organization Order No. 121, dated December 12, 1957, which provided that the Finance Office (consisting of the Office of the Finance Officer, Property Tax Division, Revenue Division, Treasury Division, Accounting Division, and Data Processing Division) would continue under the direction and control of the Division of General Administration, and that the Treasury Division would perform the function of collecting revenues of the District of Columbia and depositing the same with the Treasurer of the United States. Organization Order No. 121 was revoked by Organization Order No. 3, dated December 13, 1967, Part IVC of which prescribed the functions of the Finance Office within a newly established Department of General Administration. The executive functions of the Board of Commissioners were transferred to the Commissioner of the District of Columbia by § 401 of Reorganization Plan No. 3 of 1967. Functions of the Finance Office as stated in Part IVC of Organization Order No. 3 were transferred to the Director of the Department of Finance and Revenue by Commissioner's Order No. 69-96, dated March 7, 1969.

§ 50-1207. ENTRY OF LIEN ON PREVIOUSLY ISSUED CERTIFICATE.

An application to add a lien to an existing certificate may be presented to the Director with payment of the necessary fees. The Director shall review the application and, if convinced that the statement as to the lien is full, true, and complete, enter the lien information on the certificate and deliver or mail the certificate to the record holder of the first unsatisfied lien shown on the certificate or his representative.

(July 2, 1940, 54 Stat. 738, ch. 527, § 7; Aug. 5, 1963, 77 Stat. 119, Pub. L. 88-89, § 2; Mar. 14, 2007, D.C. Law 16-279, § 201(d), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1007.

1973 Ed., § 40-707.

D.C. Law 16-279 rewrote this section, which formerly read:

"When it is desired to have a lien entered on a certificate theretofore issued, the instrument and the certificate shall be presented to the Recorder in the office of the Director and upon the payment of the necessary fees to the representative of the Recorder of Deeds of the District of Columbia in the office of the Director the Recorder shall accept the instruments for recording and unless he has a card covering said motor vehicle or trailer the Director shall stamp a card in the manner set forth in § 50-1206. The Recorder shall enter the lien information on the certificate in the space hereinbefore mentioned and on said card and shall deliver or mail the certificate to the record holder of the 1st unsatisfied lien shown thereon or his representative."

For Law 16-279, see notes following § 50-312.

§ 50-1208. ASSIGNMENT OF LIEN; FORM AND REQUIREMENT OF ASSIGNMENT; ENTRY AND RECORDING OF ASSIGNMENT; CERTIFICATE TO HOLDER OF FIRST LIEN.

The rights of the holder of an unsatisfied lien shown on a certificate may be assigned by an assignment in writing, which shall show the name and address of the assignee, the trade name and engine, serial or identification number of the motor vehicle, or the trade name and serial number, if any, of the trailer, and the Recorder's record number of the instrument, or if none, a brief description sufficient to identify the lien shall be signed by the holder of the lien. Upon presentation of an assignment and a certificate and the payment of the prescribed fee, the Recorder shall enter upon the face of the certificate and upon the card hereinbefore described the Recorder's record number of the lien which is being assigned, or, if no such instrument is on file, a brief description sufficient to identify the lien, the date of the assignment and the words, "Assigned to," and the name and address of the assignee, and the date. The assignment shall be attached to the instrument if the instrument has been filed with the Recorder, and, if not, the assignment shall be given a Recorder's record number and filed by the Recorder and such number shall be entered on the certificate and in the Department's records. The certificate shall be delivered to the record holder of the 1st unsatisfied lien shown thereon, or his representative.

(July 2, 1940, 54 Stat. 738, ch. 527, § 8; June 4, 1952, 66 Stat. 100, ch. 365, § 2; Aug. 5, 1963, 77 Stat. 119, Pub. L. 88-89, § 3; Dec. 30, 1963, 77 Stat. 771, Pub. L. 88-243, § 8; Mar. 14, 2007, D.C. Law 16-279, § 201(e), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1008.

1973 Ed., § 40-708.

Effect of Amendments

D.C. Law 16-279, in the second sentence, deleted the phrase "to the representative of the Recorder of Deeds of the District of Columbia in the office of the Director" following "prescribed fee"; and in the penultimate sentence, substituted "and in the Department's records" for "and on the said card opposite the entry of the information relative to the assignment".

Legislative History of Laws

For Law 16-279, see notes following § 50-312.

§ 50-1209. ENTRY OF LIEN OR ASSIGNMENT WHERE CERTIFICATE IS NOT AVAILABLE; RECORDER TO OBTAIN CERTIFICATE.

Whenever it is desired to enter a lien or an assignment upon a certificate and such certificate is not available, upon delivery to the Recorder of the instrument or assignment the Recorder shall demand that the person possessing the certificate surrender it for the purpose of entering thereon the lien or the assignment and upon surrender of the certificate the Recorder shall perform the same acts as in cases where the certificate was presented with the instrument. This section shall not be deemed to affect the priority given under § 50-1203(3) to a lien where the instrument is presented together with the certificate.

(July 2, 1940, 54 Stat. 739, ch. 527, § 9.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1009.

1973 Ed., § 40-709.

§ 50-1210. SATISFACTION OF LIENS--POSSESSION OF CERTIFICATE.

The record holder of the 1st unsatisfied lien shown upon the certificate shall be entitled to the possession of the certificate and upon satisfaction of his lien he shall, within 72 hours, place upon the face of the certificate the Recorder's record number of the lien, or, if no such instrument is on file, a brief description sufficient to identify the lien, and in either case the word "satisfied," or its equivalent, and his signature, swear to it before a notary public, and forward or deliver the certificate to the holder of the lien next in priority, or, if none, to the owner or to the person designated in writing by the owner. Upon the satisfaction of any lien other than the 1st unsatisfied lien shown on the certificate, the record holder of the lien so satisfied shall, within 72 hours, make similar entries upon the face of the certificate, and it shall be the duty of the person in possession of the certificate, upon demand, to permit such holder to make said entries. Any person in possession of a certificate shall, upon demand of the Recorder, surrender it to the recorder within 72 hours for the purpose of entering the lien or assignment thereon.

(July 2, 1940, 54 Stat. 739, ch. 527, § 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1010.

1973 Ed., § 40-710.

§ 50-1211. SATISFACTION OF LIENS--DUTIES OF RECORDER; PROCEDURE WHEN CERTIFICATE LOST.

The Recorder, upon receipt of a certificate whereon a lien is marked 'Satisfied' as set forth in § 50-1210, shall enter on the face of the certificate and on the instrument, if any, filed in the Recorder's office as hereinafter provided, his said record number, or, if no such instrument is on file, a brief description sufficient to identify the lien, and in either case the word 'released,' a facsimile of his signature and the date. Where for any reason a lien-holder upon satisfaction of his lien has failed to mark the certificate as herein provided and the lien-holder cannot be located, or where the certificate after being so marked has been lost or destroyed and a duplicate certificate issued, the Recorder upon receipt of evidence satisfactory to him that the lien has been satisfied shall release it upon the certificate or duplicate certificate, and instrument, if any, as above set forth. Whenever any lien has been released as provided in this section for a period of more than 3 years, the Recorder of Deeds may destroy the instrument that created the lien.

(July 2, 1940, 54 Stat. 739, ch. 527, § 11; June 5, 1952, 66 Stat. 126, ch. 370, § 4; Aug. 5, 1963, 77 Stat. 119, Pub. L. 88-89, § 4; Mar. 14, 2007, D.C. Law 16-279, § 201(f), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1011.

1973 Ed., § 40-711.

Effect of Amendments

D.C. Law 16-279, in the first sentence, deleted "and on the card described in § 50-1206" following "face of the certificate"; in the penultimate sentence, deleted "the aforesaid cards" following "duplicate certificate"; and, in the last sentence, substituted "that created the lien" for "which created such lien and the index card upon which the lien information was entered; provided, that no other unsatisfied lien is shown on any such index card".

Legislative History of Laws

For Law 16-279, see notes following § 50-312.

§ 50-1212. RECORDATION FEE.

The fee for recording liens or assignments of liens upon a certificate shall be the sum of \$20 for each lien or assignment of lien on each motor vehicle or trailer contained in the instrument, which fee shall include the charge for recording the release of such lien. The District of Columbia Government shall not be required to pay the fee established in this section.

(July 2, 1940, 54 Stat. 739, ch. 527, § 12; Dec. 15, 1945, 59 Stat. 610, ch. 578; June 19, 1948, 62 Stat. 493, ch. 522, § 1; Aug. 17, 1991, D.C. Law 9-30, § 6, 38 DCR 4215; June 5, 2003, D.C. Law 14-307, § 1703, 49 DCR 11664; Mar. 14, 2007, D.C. Law 16-279, § 201(g), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1012.

1973 Ed., § 40-712.

Temporary Amendments of Section

For temporary (225 day) amendment of section, see § 110 of Omnibus Budget Support Temporary Act of 1991 (D.C. Law 9-19, June 21, 1991, law notification 38 DCR 5786).

Effect of Amendments

D.C. Law 14-307 substituted "\$20" for "\$15".

D.C. Law 16-279 added the sentence: "The District of Columbia Government shall not be required to pay the fee established in this section."

Emergency Act Amendments

For temporary (90 day) amendment of section, see § 1703 of Fiscal Year 2003 Budget Support Amendment Emergency Act of 2002 (D.C. Act 14-544, December 4, 2002, 49 DCR 11700).

For temporary (90 day) amendment of section, see § 1703 of the Fiscal Year 2003 Budget Support Amendment Congressional Review Emergency Act of 2003 (D.C. Act 15-27, February 24, 2003, 50 DCR 2151).

For temporary (90 day) amendment of section, see § 1703 of Fiscal Year 2003 Budget Support Amendment Second Congressional Review Emergency Act of 2003 (D.C. Act 15-103, June 20, 2003, 50 DCR 5499).

Legislative History of Laws

Law 9-30, the "District of Columbia Motor Vehicle Services Fees Amendment Act of 1991," was introduced in Council and assigned Bill No. 9-163, which was referred to the Committee on Public Works. The Bill was adopted on first and second readings on June 4, 1991, and June 18, 1991, respectively. Signed by the Mayor on July 2, 1991, it was assigned Act No. 9-57 and transmitted to both Houses of Congress for its review.

Law 14-307, the "Fiscal Year 2003 Budget Support Amendment Act of 2002", was introduced in Council and assigned Bill No. 14-892, which was referred to the Committee on the Whole. The Bill was adopted on first and second readings on October 1, 2002, and November 7, 2002, respectively. Signed by the Mayor on December 4, 2002, it was assigned Act No. 14-543 and transmitted to both Houses of Congress for its review. D.C. Law 14-307 became effective on June 5, 2003.

For Law 16-279, see notes following § 50-312.

§ 50-1213. FEE FOR RELEASING LIENS.

Notwithstanding the provisions of § 50-1212, there shall be a fee of \$.50 for recording the release of a lien which is recorded under the provisions of this chapter, prior to June 19, 1948, and no assignment of which is recorded under the provisions of this chapter after June 19, 1948.

(June 19, 1948, 62 Stat. 493, ch. 522, § 2.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1013.

1973 Ed., § 40-712a.

§ 50-1214. PLACE AND METHOD OF RECORDATION.[REPEALED]

(July 2, 1940, 54 Stat. 739, ch. 527, § 13; June 4, 1952, 66 Stat. 100, ch. 365, § 3; Aug. 5, 1963, 77 Stat. 119, Pub. L. 88-89, § 5; Mar. 14, 2007, D.C. Law 16-279, § 201(h), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1014.

1973 Ed., § 40-713.

Legislative History of Laws

For Law 16-279, see notes following § 50-312.

§ 50-1215. FALSE STATEMENTS AS TO LIENS; VIOLATIONS OF LAW CHAPTER.

Any person intentionally making a false statement with respect to liens in an application for a certificate, or wilfully violating any of the provisions of this chapter, shall upon conviction be punished by a fine of not more than \$5,000 or be imprisoned for not more than 1 year, or both. Prosecutions for violations of this chapter shall be by the Corporation Counsel of the District of Columbia or any of his assistants, in the name of the District of Columbia.

(July 2, 1940, 54 Stat. 739, ch. 527, § 14; Mar. 14, 2007, D.C. Law 16-279, § 201(i), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1015.

1973 Ed., § 40-714.

Effect of Amendments

D.C. Law 16-279, increased the fine for violation of the section from not more than \$500 to not more than \$5,000.

Legislative History of Laws

For Law 16-279, see notes following § 50-312.

§ 50-1216. APPROPRIATION.

Appropriation is hereby authorized to be made to carry out the provisions of this chapter, and the Mayor of the District of Columbia is authorized to include in his annual estimates provision for all the expenses of the Office of the Director incident to such purposes, and for personnel.

(July 2, 1940, 54 Stat. 740, ch. 527, § 15; Oct. 28, 1949, 63 Stat. 972, title XI, ch. 782, § 1106(a); Mar. 3, 1979, D.C. Law 2-139, § 3205(m), 25 DCR 5740; Mar. 14, 2007, D.C. Law 16-279, § 201(j), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1016.

1973 Ed., § 40-715.

Effect of Amendments

D.C. Law 16-279 substituted "Office of the Director" for "Office of the Director and Recorder".

Legislative History of Laws

For legislative history of D.C. Law 2-139, see Historical and Statutory Notes following § 50-2201.03.

For Law 16-279, see notes following § 50-312.

Change in Government

This section originated at a time when local government powers were delegated to a Board of Commissioners of the District of Columbia (see Acts Relating to the Establishment of the District of Columbia and its Various Forms of Governmental Organization in Volume 1). Section 401 of Reorganization Plan No. 3 of 1967 (see Reorganization Plans in Volume 1) transferred all of the functions of the Board of Commissioners under this section to a single Commissioner. The District of Columbia Self-Government and Governmental Reorganization Act, 87 Stat. 818, § 711 (D.C. Code, § 1-207.11), abolished the District of Columbia Council and the Office of Commissioner of the District of Columbia. These branches of government were replaced by the Council of the District of Columbia and the Office of Mayor of the District of Columbia, respectively. Accordingly, and also pursuant to § 714(a) of such Act (D.C. Code, § 1-207.14(a)), appropriate changes in terminology were made in this section.

§ 50-1217. TERMINAL RENTAL ADJUSTMENT CLAUSES: VEHICLE LEASES THAT ARE NOT SALES OR SECURITY INTERESTS.

In the case of motor vehicles or trailers, notwithstanding any other provisions of law, a transaction does not create a sale or security interest merely because it provides that the rental price is permitted or required to be adjusted under the agreement either upward or downward by reference to the amount realized upon sale or other disposition of the motor vehicle or trailer.

(July 2, 1940, ch. 527, § 15a, as added Mar. 17, 1993, D.C. Law 9-205, § 2, 40 DCR 10.)

HISTORICAL AND STATUTORY NOTES

Prior Codifications

1981 Ed., § 40-1017.

Legislative History of Laws

Law 9-205, the "TRAC Vehicle Leasing Amendment Act of 1992," was introduced in Council and assigned Bill No. 9-473, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on November 4, 1992, and December 1, 1992, respectively. Signed by the Mayor on December 18, 1992, it was assigned Act No. 9-334 and transmitted to both Houses of Congress for its review. D.C. Law 9-205 became effective on March 17, 1993.

§ 50-1218. ELECTRONIC CREATION, RECORDATION, AND TRANSFER OF LIENS.

(a) Notwithstanding any other provision in this chapter, the Director may receive and transmit liens and lien information electronically, record liens electronically, and create and transfer titles electronically, in accordance with the following provisions:

- (1) Any lien information pursuant to § 50-1206 or § 50-1208 transmitted electronically shall be transmitted by the lienholder and need not include a signature.
- (2) Electronic lien recordation notices shall include the information required by § 50-1204(a)(2).
- (3) An electronic lien satisfaction notice shall include the name, address, telephone number, and driver's license number or special identification card number, if known, and social security number, if known, of the person satisfying the lien, but need not include a signature.
- (4) When a lien is transmitted electronically or a title is created electronically, a paper certificate of title shall be issued only after all liens are satisfied and only upon request by the owner.
- (5) When a vehicle is subject to an electronic lien, the certificate of title for the vehicle shall be considered to be held by the lienholder.
- (6) All taxes and fees associated with the issuance of certificates of title and the recordation of liens shall be collected for the electronic versions.

(b) A duly certified copy of the Director's electronic record of a title or lien shall be admissible in any civil, criminal, or administrative proceeding as evidence of ownership.

(July 2, 1940, ch. 527, § 15b, as added Mar. 14, 2007, D.C. Law 16-279, § 201(k), 54 DCR 903.)

HISTORICAL AND STATUTORY NOTES

Legislative History of Laws

For Law 16-279, see notes following § 50-312.