

Justices of the Peace and Title Transactions

Frequently Asked Questions

What is the court's jurisdiction?

- 1. Q. Who determines whether a Justice of the Peace has jurisdiction?**
 - A. Questions of jurisdiction are determined by the court, not the department. If a Justice of the Peace Court issues an order specifically awarding title ownership, the department will comply.

- 2. Q. What if an order conflicts with an established procedure?**
 - A. If an order from a Justice of the Peace Court specifically awards title ownership, the department will comply. If a question arises, please contact your local VTR Regional Office.

- 3. Q. In what situations does a Justice of the Peace not have jurisdiction?**
 - A. A Justice of the Peace does not have jurisdiction over:
 - Divorce Decrees
 - Bankruptcies
 - Guardianships

- 4. Q. What kind of authority does a Justice of the Peace have?**
 - A. In short, a Justice of the Peace has the same authority to decide vehicle ownership as a higher court. A Justice of the Peace can award ownership:
 - of a stolen vehicle;
 - when a lien is under 6 years old and the lienholder is out of business;
 - as an alternative to having a vehicle sequestered in district court;
 - in any situation mentioned in Chapter 16 of the Title manual;
 - of seized and forfeited vehicles (though the seizing authority retains notification and sale requirements); or
 - in other situations where a county or district court could have ruled previously.

- 5. Q. Can a Justice of the Peace rule in a trust situation?**
 - A. Any trust situation must follow normal procedures related to trusts as laid out by the Probate Code.

- 6. Q. What about orders from Municipal Judges? Do these carry the same weight?**
 - A. Municipal Courts have very limited jurisdiction in criminal matters, but may rule on a case dealing with vehicle theft.

- 7. Q. What can a county accept from a Justice of the Peace?**

- A. As long as an order awards ownership, names the person to whom ownership is granted, and from whom ownership is rescinded, a county can accept an order for:
- A reassigned VIN application;
 - A situation addressing an assigned number;
 - An Ex Parte order, if it contains enough information for the department to understand the result of the lawsuit;
 - An order to title and register a nonrepairable or Export Only vehicle, as long as it specifically rescinds a nonrepairable title or Export Only brand and includes the \$65 rebuilt fee;
 - An order issued without out-of-state ownership verification or proof of title;
- 8. Q. What validates an order issued by a Justice of the Peace? Does it require certification by the County Clerk?**
- A. The department will accept an original or certified copy of a court order.
- 9. Q. Does an order issued by a Justice of the Peace take precedence over other court orders?**
- A. Not necessarily. This depends on what each order says, and the order in which they were issued. If a question arises, please contact your VTR Regional Office.
- 10. Q. What documentation is required to be surrendered in support of an application for title that has been awarded by a Justice of the Peace?**
- A. The original court order, or a certified copy of the court order, is required, along with a completed Form 130-U, applicable fees and taxes, proof of insurance, and a rebuilt affidavit, if applicable.

What about a vehicle's value?

- 11. Q. Does an order from a Justice of the Peace have to contain a vehicle's value?**
- A. No. While Justices of the Peace have jurisdiction over property valued under \$10,000, the determination is left to the Justice of the Peace.
- 12. Q. If an order does state a vehicle's value, is it used to calculate sales tax?**
- A. No. Use the department's determination of standard presumptive value (SPV.)
- 13. Q. Can a county provide a Justice of the Peace with a Standard Presumptive Value for a vehicle, if asked?**
- A. Yes.

Miscellaneous

- 14. Q. Will these changes be reflected in the title manual?**
A. We expect these changes to be reflected in the next quarterly title manual update.
- 15. Q. Does this change affect the bonded title procedure?**
A. No. Bonded title procedures do not change.
- 16. Q. Does a court order automatically trump a bonded title?**
A. This determination is left to the court.
- 17. Q. What if I believe a court is awarding ownership based on the Judge's personal relationship with the titling party?**
A. Justices of the Peace have the authority to make ownership determinations. The department will not intervene unless it has been made party to a suit.