



Obtain a New Certificate of Title to a Motor Vehicle

A Legal Research Guide

The North Dakota Legal Self Help Center provides resources to people who represent themselves in civil matters in the North Dakota state courts.

The information provided in this research guide isn't a complete statement of the law. This information is intended as a starting point for your research into obtaining a new certificate of title to a motor vehicle when unable to obtain the old certificate of title. This information **isn't** intended for legal advice and **can't** replace the advice of a lawyer licensed to practice law in the state of North Dakota.

The self-represented individual must make all decisions about how to proceed.

References to non-ND Legal Self Help Center resources are included for your convenience only. Including these references doesn't mean the ND Legal Self Help Center endorses, warrants, or accepts responsibility for the content or uses of the resource. **Use at your own risk.**

Overview of Obtaining a New Certificate of Title to a Motor Vehicle When Unable to Obtain the Old Certificate of Title

When would I need to obtain a new certificate of title to a motor vehicle?

If you own a motor vehicle, but aren't able to get the old certificate of title for the vehicle, you may apply to the North Dakota Department of Transportation (NDDOT) for a new certificate of title.

Where do I apply to get a new certificate of title to a motor vehicle?

Contact the North Dakota Department of Transportation (NDDOT) for information on their process for applying for a new certificate of title to a motor vehicle when you're unable to get the old certificate of title.

The NDDOT website is dot.nd.gov.

What do I need to prove to the North Dakota Department of Transportation (NDDOT) to get a new certificate of title?

You must prove you own the motor vehicle to the satisfaction of the North Dakota Department of Transportation (NDDOT).

How do I prove I own the motor vehicle?

Read [Section 39-05-20 of the North Dakota Century Code](#) and [Chapter 37-12-04 of the North Dakota Administrative Code](#) carefully!

These sections include requirements to prove ownership of a motor vehicle. The requirements depend on whether the applicant for a new certificate of title is an insurer, a tax exempt organization, a licensed motor vehicle dealer, or an individual.

The motor vehicle was abandoned on my private property. Will the North Dakota Department of Transportation (NDDOT) give me a new certificate of title?

Only if you can prove you own the abandoned motor vehicle to the satisfaction of the North Dakota Department of Transportation (NDDOT).

If you don't believe you can prove you own the abandoned motor vehicle, read [Chapter 23.1-15 of the North Dakota Century Code](#) for the process of taking custody of an abandoned vehicle.

What happens if the North Dakota Department of Transportation (NDDOT) refuses to give me a new certificate of title?

If the North Dakota Department of Transportation (NDDOT) denies your application and refuses to give you a new certificate of title, you may appeal the decision to a North Dakota state district court.

[Chapter 28-32 of the North Dakota Century Code](#) are the North Dakota laws that apply to administrative agency hearings and appeals of the decisions. NDDOT is an administrative agency.

See [Sections 28-32-21 through 28-32-41](#) for the administrative agency hearing process.

See [Sections 28-32-42 through 28-32-49](#) for the process to appeal an administrative agency decision.

No Forms Available

The ND Legal Self Help Center **doesn't** have forms or instructions for appealing a North Dakota Department of Transportation (NDDOT) decision to a North Dakota state district court.

You may [contact](#) the North Dakota Legal Self Help Center to ask for a general-use informational guide to appeals of administrative agency final decisions.

You may want to consult a [lawyer](#) licensed to practice in North Dakota.

Legal Research Resources

North Dakota Statutes:

(North Dakota statutes are found in the [North Dakota Century Code](#) (NDCC). The North Dakota Century Code contains the laws enacted by North Dakota Legislature and signed by the Governor.)

- [Chapter 23.1-15](#). Abandoned Motor Vehicles
- [Chapter 28-32](#). Administrative Agencies Practice Act
 - [Sections 28-32-21 through 28-32-41](#). Administrative agency adjudicative proceedings.
 - [Sections 28-32-42 through 28-32-49](#). Appeal from administrative agency determinations.
- [Chapter 39-01](#). Definitions and General Provisions
 - [Section 39-01-01](#). Definitions.
- [Chapter 39-04](#). Motor Vehicle Registration
- [Chapter 39-05](#). Title Registration
 - [Section 39-05-20](#). Transferee may obtain new certificate of title upon inability to obtain old certificate – Proof of ownership – Appeal.
 - [Section 39-05-20.3](#). Grounds for refusing certificate of title.
 - [Section 39-05-21](#). Refusal to issue certificate of title – Revoking certificate - Appeal.

North Dakota Case Law:

(When the decision of a case is appealed from a North Dakota state district court to the North Dakota Supreme Court, the Supreme Court writes their opinion to explain how and why they interpreted the laws or rules to decide the appeal the way they did. The opinions are case law and are followed by North Dakota courts deciding later cases with similar facts and issues.)

One way to research case law related to certificates of title to motor vehicles, is in the print version of the North Dakota Century Code. Case law summaries are located directly following the text of the Century Code Section.

To view the full text of the opinion, click go to ndcourts.gov/supreme-court/opinions. Enter the case name or case citation.

North Dakota Administrative Code:

(When the North Dakota State Legislature creates an agency, the statute that creates the agency gives the broad boundaries of what the agency can do. The agency enacts regulations to pin down the specifics. The regulations form the administrative rules or administrative code. The North Dakota Administrative Rules are available at legis.nd.gov/agency-rules/north-dakota-administrative-code.)

- [Chapter 37-12-04](#). Obtaining Certificate of Title for Untitled Vehicles

Laws Constantly Change Through Legislation, Administrative Rules, and Court Decisions.

To determine how a law applies to your situation, review the applicable law or laws, court rules, administrative rules, and court decisions.

Only a lawyer licensed to practice in North Dakota who has agreed to represent you can give you legal advice. Legal advice includes interpreting how the laws and rules apply to your situation.

Other Legal Research Resources:

[How to Research a Legal Problem: A Guide for Non-Lawyers](#), American Association of Law Libraries. (aallnet.org)

Library Resources *(not all legal resources are available online):*

ODIN is a shared library database of many North Dakota academic, public, state agency, and special libraries. Search ODIN for resources that may be available in a North Dakota library near you. (polaris.odinlibrary.org)

Following are a selection of library resources on ODIN that may be of interest to you:

- **Finding the Answer to Legal Questions**, Virginia M. Tucker and Marc Lampson, Second Edition, 2018.
- **North Dakota Century Code Annotated**, Lexis Nexis, Creation Date c1959 – present.
- **North Dakota Court Rules Annotated**, Lexis Nexis, Creation Date c1990 – present.

Lawyer Resources and Limited Legal Representation

You're not required to hire a lawyer to access the North Dakota state court system. If you decide to represent yourself, you must follow all of the rules, laws and procedures a lawyer is required to follow.

Lawyer Resources:

If you want to learn more about finding a lawyer to represent you, go to ndcourts.gov/legal-self-help/finding-a-lawyer.

- **Legal Services of North Dakota** is a non-profit organization, providing free legal assistance to North Dakota residents in a variety of matters based on income. Legal Services of North Dakota can also determine whether an applicant meets the income requirements for the Volunteer Lawyers program that offers low-cost legal assistance based on income. The phone number is (800) 634-5263 and the website is legalassist.org.
- **Dakota Plains Legal Services** is a non-profit legal services organization that provides free legal assistance to low-income individuals, older Americans and veterans. Dakota Plains Legal Services (DPLS) has eight offices and serves communities across South Dakota and North Dakota, including nine tribal nations. DPLS is committed to increasing access to justice with quality legal assistance. Contact information is available on the DPLS webpage of dpls.org.

- **The State Bar Association** provides a lawyer referral service to match paying clients in need of legal services with lawyers. The phone number is (866) 450-9579 and the website is sband.org.
- **For a list of all lawyers who are licensed to practice in North Dakota**, go to the North Dakota Supreme Court website at ndcourts.gov/Lawyers.

Limited Legal Representation:

Lawyers licensed to practice in North Dakota may provide Limited Legal Representation in civil actions. Limited Legal Representation (sometimes called “unbundling”) is a way a lawyer can help you with part of your case while you do the rest of your case. You pay for the part of the case the lawyer handled.

For example:

- You may want a lawyer to give you an expert opinion about your options, or your legal rights and responsibilities;
- You can consult with a lawyer to prepare or review your paperwork, but attend hearings yourself;
- You can represent yourself through the whole case, and periodically consult with a lawyer who can coach you on the law, procedures and strategy;
- You can do the preparation yourself and hire a lawyer just to make the court appearance for you.

You and the lawyer must agree in writing to Limited Legal Representation.

North Dakota Free Legal Answers:

This civil legal program is a partnership of the American Bar Association and the State Bar Association of North Dakota.

The purpose of the program is to provide free answers to **specific** civil legal question to low-moderate income North Dakotans who submit their questions online. Anonymous volunteer lawyers answer your question, but can't represent you.

Go to nd.freelegalanswers.org for information about the program, the online application, and, if you qualify, ask your civil legal question.

Please note that this program **doesn't** provide any assistance with criminal legal questions.