

## **RESTITUTION LIEN**

### **Summary of Changes**

Amended sections C, G and I regarding administrative hearing requests and reformatted to accommodate the amended sections for clarity.

### **Purpose**

To provide guidelines for the Customer Service Representative (CSR) to use when receiving a Restitution Lien order or a request to process transactions for a person whose vehicle record displays an Operation of Law Lien with a Restitution Lien comment.

### **Policy**

A. Pursuant to A.R.S. § 13-806, the State or any person entitled to restitution pursuant to a court order may file a Restitution Lien. The following persons may file a Restitution Lien:

- A prosecutor in a criminal proceeding in which there was an economic loss after the filing of information or an indictment
- A victim in a criminal proceeding after restitution is determined and ordered by the trial court following pronouncement of the judgment and sentence

B. When a Restitution Lien is to be filed with the Division, the lien order and any supporting documentation shall be submitted to:

Motor Vehicle Division  
Central Communications Unit  
P.O. Box 2100, Mail Drop 554M  
Phoenix, Arizona 85001

Note: When a Restitution Lien is submitted to a Customer Service office, the CSR shall forward the lien documents to the Communications Unit.

C. The Restitution Lien order must be signed by the attorney representing the State in the criminal action or by a court magistrate. The Restitution Lien order must provide the following information:

- The name and date of birth of the defendant
- The present residence or principal place of business of the person named in the lien, if known
- The criminal proceeding pursuant to which the lien is filed, including:
  - The name of the court
  - The title of the action
  - The court's file number
- The name and address of the attorney representing the State in the proceeding or the name and address of the person entitled to restitution
- A statement that the notice is being filed pursuant to A.R.S. §13-806

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- The amount of restitution the defendant has been ordered to pay or an estimated amount of economic loss caused by the offense alleged in the proceeding if no restitution order has yet been entered
- A statement that the total amount of restitution owed will change, and that the clerk of the court in which the proceeding was or is pending shall maintain a record of the outstanding balance

D. A filing fee or any other charge is not required when filing a Restitution Lien.

E. The following warning messages will print on all Arizona Certificates of Title (over-the-counter prints, batch prints and electronic lien and title (ELT) prints) when a Restitution lien is recorded on the customer's record:

- The word "NONTRANSFERABLE" will print on the top center of the Arizona Certificate of Title, and
- The word "\*\*\*WARNING\*\*\*" with the message "THIS VEHICLE TITLE IS NOT ELIGIBLE FOR TRANSFER," "USE THE CONTACT ADOT LINK AT WWW.AZDOT.GOV TO REQUEST MORE INFORMATION," will print on the bottom center (just above the "lien release" blocks) of the Arizona Certificate of Title.

F. The Division shall not transfer the ownership of any vehicle or mobile home owned by the defendant until the court has issued a Restitution Lien release (final disposition). However, the following transactions may be processed for any vehicle or mobile home subject to the Restitution Lien:

- Duplicate title
- Branded title
- Initial registration and/or registration renewal
- Registration reinstatement
- Self-Service Storage Facility Vehicle Foreclosure Lien process, see Policy [10.6.9 Self-Service Storage Facility Vehicle Foreclosure Lien](#)

Note: The CSR is not required to obtain approval from the Central Communications Unit prior to issuing a duplicate title, initial registration or registration renewal.

G. The Restitution Lien release must provide enough information to identify the Customer Record and a statement to the effect that the Restitution Lien has been released.

H. A Restitution Lien may be removed from a vehicle record upon proper submission of the following:

- An Abandoned Vehicle Transfer of Ownership, form #46-8922, see Policy [10.6.1 Abandoned Vehicle Authorization For Transfer Of Ownership](#), or
- An Affidavit of Repossession, form #48-0902, see Policy [10.6.8 Repossessions](#)

I. Customers who purchase a vehicle without any knowledge that the vehicle was subject to a Restitution Lien may request an administrative hearing pursuant to Policy 16.6.10 (Administrative Hearing Request) and A.A.C. R17-1-502 (Request for Hearing). Customers

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requesting a Restitution Lien hearing are eligible for a 90-Day Resident Registration for the vehicle in question (see Policy 11.3.3 90-Day Resident Registration).

1. The Restitution Lien may be removed if, after the hearing, the hearing officer finds:
    - a. That the person who purchased the vehicle had no knowledge that the vehicle was subject to a Restitution Lien, and
    - b. The person who sold the vehicle was the person ordered to pay restitution (obligor), and failed to disclose that the vehicle was subject to a Restitution Lien.
  2. If a Restitution Lien is removed pursuant to this section, the CSR shall expire the customer characteristic (046 – Restitution Lien) to allow for the transfer of the title into the purchaser's name and after the title is transferred, the office manager, supervisor or designated lead shall replace the customer characteristic (046 – Restitution Lien) on the obligor's record.
- J. Questions pertaining to the Restitution Lien shall be referred to the filing agency. The CSR may provide the customer with the Restitution Lien information found in the comment section of the vehicle record. The customer is responsible for contacting the filing agency.

11 September 2013  
Date

  
STACEY K. STANTON  
Division Director

Authority: HB2311, Laws 2013, Chapter 19, effective September 13, 2013, A.R.S. §§ 8-344, 8-345, 13-603, 13-801, 13-804, 13-806 and 28-2131 through 28-2134 and 28-2137

Procedure Information: [Operation of Law Lien with Customer Characteristics](#), [Customer Characteristics Chart](#)

Steps: [Customer Characteristics \(MDCHAR\)](#)