



VEHICLE TRANSFER FREQUENTLY ASKED QUESTIONS

1. What is “ACT 109”?

ACT 109 amended HRS §286-52 and clarifies that proof that a transferor has filed the required Notice of Transfer form, will serve as a complete defense against any action brought against the transferor for an act or omission, civil or criminal, arising out of the use, operation, or abandonment of the vehicle by another person.

This means when a transferor sells a vehicle and files the Notice of Transfer with the Department of Motor Vehicles (DMV) within the required 10-day period, they are released from liability for any future matters related to the vehicle (such as tickets, accidents, or registration).

2. Who Qualifies to file under ACT 109?

There are two (2) types of **Transferors** that qualify under ACT 109.

- A **DEALER** - upon transferring a motor vehicle whether by sale, lease, or otherwise, shall immediately give notice of the transfer to the DMV upon the official form provided by the director of finance. Each notice shall contain the date of the transfer, the names and addresses of the transferor and transferee, and a description of the vehicle as may be called for in the official form.
- A **PRIVATE SELLER** - upon transferring a motor vehicle whether by sale, lease, or otherwise, shall within ten (10) days give notice of the transfer to the DMV upon the official form provided by the director of finance. Each notice shall contain the date of the transfer, the names and addresses of the transferor and transferee, and a description of the vehicle as may be called for in the official form.

3. What do I need to show to prove that the Notice of Transfer was filed?

To prove compliance with the court, the transferor will need to:

1. **Obtain a certified copy** of the Notice of Transfer from the DMV.
2. **Present the certified document** to the court as evidence that the transfer was properly filed.

This process will ensure the seller is not held responsible for matters **after** the transfer date.

4. Where do I obtain a Certified Copy of the Notice of Transfer?

The transferor (private seller or dealer) can go to any Department of Motor Vehicle (DMV) that is in their respective county and request a **Certified Copy of the Notice of Transfer**.

O‘ahu Locations: <https://www.honolulu.gov/csd/services-and-locations/>

Maui, Lāna‘i, Moloka‘i Locations: <https://www.mauicounty.gov/2125/DMV-Wait-Times>

Kaua‘i Locations: <https://www.kauai.gov/Government/Departments-Agencies/Finance/Drivers-Licensing-and-Motor-Vehicles>

Hawai‘i (Big Island) Locations: <https://www.vrl.hawaiiicounty.gov/other-services/office-locations>

5. Is there a cost to obtain a Certified Copy of the Notice of Transfer?

Please see your respective DMV for any cost to obtain a Certified Copy of the Notice of Transfer.

6. I received a citation(s) for a vehicle I sold. How do I contest the citation(s)?

To contest the citation(s), the transferor will need to obtain a Certified Copy of the Notice of Transfer form from their respective DMV office in your respective county. Upon receiving a Certified Copy of the Notice of Transfer form, the transferor will attach the certified copy of the Notice of Transfer form along with a written statement to court either by mail or in person.

If the transferor is requesting a hearing, the transferor will show the court the Certified Copy of the Notice of Transfer form on their given court date.

If you have multiple citations, please list them on a separate sheet and attach the list with the Motion (Form 1) and the Certified Copy of the Notice of Transfer form.

7. I received a Default Judgment(s) for a vehicle I sold. How do I contest the Default Judgment(s)?

To contest citation(s) that have gone into default judgment, the transferor will need to obtain a Certified Copy of the Notice of Transfer form from the DMV in your respective county. Upon receiving the Certified Copy of the Notice of Transfer form, the transferor will attach the Certified Copy of the Notice of Transfer form along with the Motion (Form 1) provided to the court. Once completed the transferor will need to provide both forms to the court that the citation(s) were issued under.

If you have multiple citations, please list them on a separate sheet and attach the list with

the Motion (Form 1) and the Certified Copy of the Notice of Transfer form. You may add any attachments you feel will help to assist your case.

8. Does successfully contesting a citation or default judgment absolve the transferor from liability for any subsequent citations or defaults?

No. The responsibility to dispute future citations or defaults does **not carry over automatically**, the **transferor** will need to follow the same steps outlined in sections **#5 or #6** to contest any new citations or default judgments.

9. Court Locations

Please see [Judiciary | District Court Contact Information](#) for your respective court locations.