

RESIDENCY AND PHYSICAL PRESENCE

Notice #08-15

County Clerk Notice

September 2008



Highlights

- *Persons applying for vehicle title and registration in Tennessee must meet legal residency requirements*
- *Business owners have a choice as to where they register their vehicles*
- *Post office box addresses are not proof of residency in Tennessee*
- *Acceptable forms of proof of residency are outlined below and on page 2 of this notice*



References:

- T.C.A. § 55-3-103
- T.C.A. § 55-4-101
- T.C.A. § 55-4-105

INTRODUCTION

This notice is intended to provide county clerks with information concerning proof of residency and physical presence for motor vehicle registration.

This notice establishes criteria to determine a bona fide residence, or in the case of commercial vehicles, physical presence, and provides information regarding acceptable forms that can be used as proof of residency or physical presence.

DISCUSSION

In the case of an individual, Tenn. Code Ann. §§ 55-3-103(a) and 55-4-101(c) require a person seeking to register a vehicle in Tennessee to have a **bona fide residence** in Tennessee. The use of the term "*bona fide residence*" simply means that a person is living at a physical location in the state of Tennessee.

In the case of vehicles owned by business owners, Tenn. Code Ann. §§ 55-3-103(a), 55-4-101(c), and 55-4-105(e)(1) allow the owner of a vehicle the option to register the vehicle in any county where a **physical presence** can be established. The use of the term "*physical presence*" is defined as an owner's principal place of business or any county where the owner maintains an office or place of business.

To title and register a motor vehicle, the owner must provide proof of residency, or in the case of a commercial vehicle, physical presence. While a bona fide resident or commercial business owner may use a mail service provider (post office box address) to receive incoming mail, they may not use this address as the sole basis for establishing a bona fide residence or physical presence.

Charts provided below and on page two of this notice list information regarding acceptable forms that can be used as proof of residency or physical presence.

Acceptable Proofs of Residency and Physical Presence

To establish proof of residency or physical presence, applicants must provide two documents from List A (see below and next page) **OR** one document from List A **and** one document from List B. Items selected from List A must show the same address indicated on the application and contain the applicant's name, or the name of a parent, guardian or spouse.

LIST A

- Current utility bill, including telephone, electric, water, gas, cable, etc. (Must include postmarked envelope bill was mailed in) - initial deposit receipt is NOT acceptable

➤ *Certain documents are required to establish residency or physical presence in Tennessee for the purpose of vehicle title and registration*

- Current bank statement (not checks)
- Current rental/mortgage contract fully signed and executed or receipt including deed of sale for property
- Current employer verification including paycheck/check stub, work ID or badge, etc.
- Current automobile, life or health insurance policy (not wallet cards)
- Current driver license or ID issued by the State of Tennessee to a parent, legal guardian or spouse of applicant (proof of relationship required)
- Current Tennessee motor vehicle registration
- Current Tennessee voter registration
- Current IRS tax reporting W-2 Form
- Receipt for personal property or real estate taxes paid within the last year
- In case of student enrolled in public or private school in this state, student may provide a photo student ID and acceptable documentation that student lives on campus
- In case of Tennessee-based company [commercial and fleet registrations], proof of business operations in county where application is made. Company may provide a business tax statement, sales tax statement, or corporate charter showing physical business location in Tennessee county (Original copies must be provided.) Tenn. Code Ann. § 55-4-105(e)(1)
- Military Personnel Only—Copy of Stationing Orders and current LES (Leave and Earnings Statement) is acceptable

LIST B

- Individual Taxpayer Identification Number (ITIN) issued by the IRS (Internal Revenue Service)
- Form I-94 issued to the applicant by the U.S. Citizenship and Immigration Service, formerly known as the Immigration and Naturalization Service (INS)
- Employment Authorization Document (E.A.D.) issued to the applicant by the INS
- I-551 issued to the applicant by the INS

➤ *Copies of documents may be retained*

➤ *Assistance is available from Revenue if you have questions*



References:

T.C.A. § 55-3-103
T.C.A. § 55-4-101
T.C.A. § 55-4-105

Additional Information

The Department of Revenue may retain copies of any documents presented as proof of residency or physical presence.

For more information regarding vehicle registration in Tennessee, please call our vehicle services call center at 888/871-3171 or 615/741-3101. Assistance for county clerks is available by contacting Revenue's county clerk support staff - Billy Trout (615/741-4177), Kathy Duncan (615/532-6908), or Belinda Boddie (615/253-4073). More information is available on our Web site, www.Tennessee.gov/revenue.

The information provided here is current as of the date of publication but may change as a result of new statutes, regulations, or court decisions. While this notice is intended to be comprehensive, events and situations unanticipated by this notice may occur. In such cases, you should contact the department for further guidance.

For more information, call toll free 1-800-320-3489
Nashville area and out-of-state call (615) 741-3101
Email: countyclerk.help@state.tn.us