

REGIMEN JURIDICO DEL AUTOMOTOR

SISTEMA LEGAL ARGENTINO: El automotor como objeto de relaciones reales, es aquel entendido como **cosa mueble registrable no fungible**, que se desplaza de un lugar a otro, cuya transmisión produce efectos respecto de terceros y entre las partes una vez inscripta en el **Registro de la Propiedad del Automotor**.

Dentro del género de los muebles, los automotores son cosas que pueden moverse por sí mismas, por lo tanto una de las denominaciones más comunes de algunos automotores es la de "automóviles", ya que su desplazamiento autónomo responde a la impulsión de un motor alimentado por diversos tipos de combustible. Cada vehículo automotor es único en su especie y está dotado de una serie de elementos identificatorios que lo convierten en una cosa no fungible.

El Registro Nacional de la Propiedad del Automotor se creó en el año 1964 como resultado de la aplicación del **Decreto Ley 6582/58**. Es un ente jurídico cuyo fin es establecer un régimen de titularidad del dominio, basado en las inscripciones y constancias registrales.

CONCEPTO Y NATURALEZA JURIDICA: Es una cosa mueble principal registrable y no fungible provista de un mecanismo de autopropulsión (motor) incorporado a su cuerpo o vinculado a este que se desplaza fundamentalmente por tierra y que está destinado esencialmente al transporte de personas o cosas. **La naturaleza jurídica es que es una cosa mueble registrable y no fungible.**

Principal: se refiere a que no depende de otra cosa para subsistir.

Registrable: porque es susceptible de inscribirse en el Registro.

No fungible: quiere decir que desde que sale de su fábrica trae elementos identificatorios que lo individualizan (**N° de motor, chasis, color, marca, modelo, año y otras "autopartes"**), esta no fungibilidad viene a estar dada por **el N° de motor y N° de chasis (alfanumérico)**.

Además es no fungible porque no puede ser sustituido por otro vehículo (ya que cada uno cuenta con un N° de motor y N° de chasis distinto a otro, e identificados individualmente).

Existen 3 elementos identificatorios: uno es natural que es la **marca y año de fabricación** (elemento identificatorio) y los dos elementos esenciales es el **numero de motor y de chasis**, desde ese momento es único en todo el mundo. Estos **3 elementos nacen de fábrica**, pero el proceso de individualización del vehículo se completa al otorgarle el Registro de la Propiedad del Automotor un código **alfanumérico que es su patente** o matrícula (denominado dominio).

Al inscribirlo por primera vez, y a partir de ese momento se convierte en un "automotor", para diferenciarlo del vehículo no inscripto. A su vez, esta incorporación de la cosa a un registro público, le otorga una identidad también pública, que se exterioriza en las placas patentes.

Este procedimiento apunta a mantener inalterable esta identificación durante toda la vida útil del automotor. Su alteración o deterioro genera serios inconvenientes, e incluso puede constituir un ilícito penal.

Estos datos identificatorios se incluyen en la documentación que expiden los Registros tanto para acreditar titularidad como para circular con el vehículo. Cuando un "vehículo" sale de fábrica, con sus códigos identificatorios de motor y chasis, es acompañado por un instrumento donde constan estos datos.

Cuando el automotor es de fabricación nacional se denomina "**certificado de fabricación**". Cuando se trata de un vehículo importado, el equivalente es el "**certificado de Aduana**".

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