

FACT SHEET

Secure Power of Attorney (MV-POA) and General Power of Attorney Information

PURPOSE

This fact sheet explains the use of Pennsylvania's Secure Power of Attorney and other power of attorney forms.

DEFINITION

"Proof of Ownership" – Pennsylvania Certificate of Title (11-89 or newer edition), Manufacturers Certificate of Origin and out-of-state certificate of title. **NOTE:** A bill of sale is not acceptable as proof of ownership.

"Secure Power of Attorney" - A document printed with security features containing all information required by federal law and regulations, which a seller may use when a vehicle is transferred to authorize a purchaser to disclose odometer mileage in lieu of the seller completing the odometer information on the proof of ownership in the event that the seller's proof of ownership is encumbered by a lien or the seller has lost the proof of ownership and the motor vehicle dealership is applying for a duplicate certificate title to be issued.

TYPES OF POWER OF ATTORNEY

Various powers of attorney may be used for title applications in Pennsylvania.

1. A Secure Power of Attorney (MV-POA) enables motor vehicle dealers or approved insurance companies to disclose the odometer reading on behalf of the seller and buyer (if applicable) when there is a lien or when the seller lost the proof of ownership and the dealer is applying for a duplicate title. Please note that both Sections A and B of Form MV-POA, contain space for the seller (in Section A) and the buyer (in Section B) to appoint the person from the motor vehicle dealership or insurance company named in the appropriate section of the form as the true and lawful attorney-in-fact to execute any and all applications for or assignment of the title for the vehicle described on the form. The Form MV-POA contains three separate sections:

- ❖ **Section A** is to be completed by the vehicle seller when the seller's proof of ownership is being held by a lienholder and a lien payoff is required or when the seller has lost the proof of ownership document.

- ❖ **Section B** is to be completed by the vehicle purchaser in the same way that Section A was completed by the original vehicle owner (seller), but only when the acquiring dealer sells the vehicle prior to the seller's title being forwarded or released to the dealer as a result of the lien payoff. **NOTE:** If the vehicle is titled in Pennsylvania prior to Section B being completed, the dealer is required to obtain PennDOT verification of any lienholders. Currently, this lienholder verification can be obtained from the Pennsylvania Automotive Association (PAA) Dealer Purchaser Service or Pennsylvania Independent Automobile Dealers Association (PIADA) offices using a fax request. The fax number for PAA is 717.255.8320, and the fax number for PIADA is 717.238.3870. These numbers may only be used by Pennsylvania motor vehicle dealers. The lien verification response must be obtained prior to the transfer of ownership from the dealer to a new purchaser and is required to be requested only if the vehicle is being sold to a purchaser and the title has not been received from the original lienholder at the time of the sale. Section B is only used by motor vehicle dealerships and not authorized insurance companies.

- ❖ **Section C** is to be completed by an authorized individual employed by the dealership listed in Sections A and B and is the dealership's certification that the information was received and reviewed and that there are no indications of mileage discrepancies. Section C is only required to be completed when both Sections A and B are used.

The authorized agent for the dealer or approved insurance companies completing Sections A, B (if applicable) and C does not have to be the same individual; however, in each instance, the individual must be an employee of the same dealership or insurance company. In these cases, the employee signing for the vehicle seller may also sign for the buyer when completing the proof of ownership assignments.

Approved insurance companies may use Form MV-POA or an e-POA (with the transfer of salvaged vehicles).

MV-POA: Insurance companies who utilize the Secure Power of Attorney, Form MV-POA, to transfer salvage vehicles, the notarization portion of Form MV-POA no longer needs to be completed since notarization is not required for the transfer of salvage vehicles to the insurance company.

Form MV-POA still requires notarization when used by a motor vehicle dealership.

e-POA (electronic Secure Power of Attorney): Electronic Secure Power of Attorney (e-POA) is utilized the same as the MV-POA secure power of attorney form. Use an e-POA to disclose odometer mileage in lieu of completing the odometer information on the proof of ownership in the event that the seller's proof of ownership is encumbered by a lien or when the seller has lost the proof of ownership document and the approved insurance company is applying for a duplicate title. The e-POA does not need notarization and will contain an electronic signature. The department is unable to accept e-POA forms electronically; these forms must

be printed and submitted with the motor vehicle application. If an approved insurance company is using an e-POA, a copy of the e-POA must be attached to the proof of ownership document. NOTE: The approved insurance company is responsible for ensuring the e-POA complies with the requirements of 15 U.S.C. Section 7001, 49 U.S.C. Section 32705 and any other requirements imposed by the Commonwealth. These Federal requirements are related to odometer disclosure with the transfer of motor vehicles, of which the e-POA is subject.

An e-POA may not be used by a motor vehicle dealership at this time.

2. A General Power of Attorney (including General and Springing Durable Powers of Attorney) is often used when the seller is out of the state or ill and permits a third party to sell a vehicle for a vehicle owner and usually allows the third party to act on behalf of the other person in other personal and legal matters. The person named on a General Power of Attorney is permitted to sign the Secure Power of Attorney Form when necessary, and all other documents required to properly transfer the vehicle's ownership. A General Power of Attorney must be notarized and include the signatures of two witnesses. A photocopy of the General Power of Attorney is acceptable.

General Durable Power of Attorney - Granted by someone who wants to place the management of their property and financial affairs in the hands of a person they trust. This type of power of attorney remains in effect when the person granting it becomes incapacitated.

Springing Durable Power of Attorney - Goes into effect only if the person granting it becomes incapacitated. The person retains full control of their own financial affairs until they are unable to do so any longer.

3. The Third-Party Power of Attorney is a limited power of attorney that can be used when the seller or purchaser appoints someone to complete motor vehicle forms when applying for a transfer of title. This limited power of attorney can be used to sign the back of 11-89 or newer certificates of title in Section A when the certificate of title is available at the time of the transfer of ownership. In addition, the limited power of attorney can be used to complete a Secure Power of Attorney for the mileage disclosure when the certificate of title is being held by a lienholder. Limited powers of attorney are valid for no more than 90 days, except those used by lessors, which are good for periods up to one year. NOTE: Section 1119(a)(2) of the Pennsylvania Vehicle Code has been amended to add an additional exemption to the 90-day provision related to an application for a Pennsylvania Certificate of Title for a manufactured home. If the limited POA 90-day expiration occurs during a declaration by the Governor of a disaster emergency under 35 PA.C.S. § 7301(c) (relating to general authority of governor), the limited power of attorney may continue to be used for the sale, purchase or transfer of manufactured homes during the period of the disaster emergency and for 10 days following the expiration of the disaster emergency.

The limited power of attorney must be notarized as required by Section 1119(a)(1) of the Pennsylvania Vehicle Code or in lieu of the notarization, a verification of a person's signature by an issuing agent who is licensed as a vehicle dealer by the State Board of Vehicle Manufacturers, Dealers and Salespersons, or its employee is acceptable.

NOTE: Federal Odometer Regulations prohibit an individual from giving this type of limited power of attorney to a dealer to complete Section A on the back of 11-89 or newer certificates of title. However, limited powers of attorney given to dealers may continue to be used for Pennsylvania titles issued prior to 11-89.

All powers of attorney are required to be signed by the purchaser or seller in their own handwriting, but, if for any physical reason the purchaser or seller is unable to sign, the seller or purchaser may make their mark in the presence of two witnesses who shall also sign their names to the power of attorney in the notary's presence.

SECURE POWER OF ATTORNEY USE

A Secure Power of Attorney is used by a registered Pennsylvania motor vehicle dealer or by a PennDOT-approved insurance company when a seller's original proof of ownership is being held by a lienholder and is not available at the time the vehicle is transferred. It may also be used when the seller lost the certificate of title and the dealer or insurance company is applying for a duplicate certificate of title. **NOTE:** Approved insurance companies may use an e-POA in lieu of Form MV-POA, the Secure Power of Attorney form, with the transfer of salvaged vehicles.

1. When the vehicle is to be titled in Pennsylvania, PennDOT only requires one of the two (2) copies of the SPOA. The dealer may keep the orange secure copy for their records and provide the seller and purchaser with photocopies of the SPOA. The **original** light green Secure Power of Attorney Form, the properly assigned proof of ownership, and applicable fees must be sent to PennDOT within 20 days of the date of purchase for processing.
2. When the vehicle is to be titled outside of Pennsylvania, the dealer is required to submit to PennDOT the **original** light green copy of the Secure Power of Attorney attached to a **copy** of the certificate of title (front and back), accompanied by a processing fee within 20 days of the date of purchase. The orange secure copy is to be attached to the properly assigned certificate of title and given to the purchaser for titling in another jurisdiction. **NOTE:** When the Secure Power of Attorney is used with a Manufacturer's Certificate of Origin, this step is not required.
3. When the vehicle is to be transferred to another licensed dealer, the first selling dealer must submit to PennDOT the **original** light green copy of the Secure Power of Attorney attached to a **copy** of the certificate of title (front and back), accompanied by a processing fee within 20 days of the date of purchase. The orange secure copy is to be attached to the properly assigned title and given to the acquiring dealer. **NOTE:** No more than one Secure Power of Attorney shall be used with the certificate of title during this authorized transfer

process. When the Secure Power of Attorney is used with a Manufacturer's Certificate of Origin, this step is not required.

In addition, the Secure Power of Attorney may be used by vehicle owners to apply for a duplicate certificate of title along with transferring vehicle ownership to a Pennsylvania dealer. PennDOT will allow the dealer to have the vehicle owner complete Section A on Form MV-POA (4-96 or newer version), "Secure Power of Attorney" and Form MV-380, "Application for Duplicate Certificate of Title by Owner." The vehicle owner must pay the title fee. If a valid lien is still recorded on the vehicle record, the satisfaction of the lien section of Form MV-380 must be completed by the lienholder. In addition to the Secure Power of Attorney and Form MV-380, the vehicle owner and dealer must complete Form MV-4ST. The vehicle owner would be listed in Section B and the acquiring dealer's name in Section C. Dealers will not be allowed to hold these documents for resale in the same manner as dealers are permitted to hold titles assigned to the dealership in other situations. The acquiring dealer must apply for the title within 20 days of the transfer of ownership from the vehicle owner. The dealer must also pay the dealer title fee and submit the properly completed forms mentioned above to PennDOT for processing. A Pennsylvania Certificate of Title in the acquiring dealer's name will be processed and mailed to the dealer. **NOTE:** Form MV-POA or an e-POA may not be used as proof of ownership for vehicle safety inspection purposes.

SECURE POWER OF ATTORNEY FEATURES:

Size: 8 1/2 inches by 11 inches.

Inventory Control Number: Located in the upper right-hand corner. This number is for PennDOT use only.

Format: Each Secure Power of Attorney form is a two-part snap-out form consisting of one original (light green) and one secure carbon (orange). The light green original is always submitted to PennDOT. The orange secure copy always stays with the proof of ownership and will also be submitted to PennDOT unless the vehicle is being transferred to another dealer or being retitled outside of Pennsylvania. The orange secure copy is to be attached to the proof of ownership and given to the acquiring dealer or out-of-state purchaser along with the proof of ownership. Each copy has a note at the bottom of the page indicating to whom that page is to be given.

Important: The dealer or insurance company must make photocopies of Form MV-POA or e-POA, to supply a copy of the power of attorney to the seller of the vehicle, the buyer of the vehicle, and to retain a copy in the dealer or insurance companies' files. This photocopy must be retained by the issuing dealer or insurance company along with copies of the front and back of the proof of ownership for a period of five years to comply with Federal odometer disclosure requirements.

INSTRUCTIONS TO OBTAIN SECURE POWER OF ATTORNEY FORMS

PennDOT, PAA and PIADA have entered into agreement that the associations will provide and distribute the Secure Power of Attorney forms. PAA and PIADA are the sole distributors of the forms in Pennsylvania.

These forms may be ordered by Pennsylvania registered motor vehicle dealers and PennDOT-approved insurance companies. Requests for these forms must be submitted in writing to: PAA, Dealer Purchaser Service, P.O. Box 2955, Harrisburg, PA 17105, or PIADA, 1501 North Front Street, Harrisburg, PA 17102. Dealers must include their Dealer Identification Number (DIN), name, mailing address and the number of forms they require. Approved insurance companies must include their special I.D. number issued by PennDOT, as well as name, mailing address and the number of forms they require.

The forms will be poly-wrapped with 100 per package. The cost for 100 forms is \$45 including sales tax and shipping and handling charges. All checks/money orders for purchasing Secure Power of Attorney Forms must be made payable to "PAA Services, Inc.," or "PIADA."

The Bureau of Motor Vehicles recommends that users maintain a log to list the date the Secure Power of Attorney is issued, form control number, seller's name and address and the VIN/title number of the vehicle. A sample log sheet will be included with the forms.

FEES

For a complete listing of motor vehicle fees, refer to Form MV-70S, "Bureau of Motor Vehicles Schedule of Fees."

Please Note: Authorized agents are under contract with PennDOT and may charge a market driven service (delivery) fee. These are in addition to any PennDOT statutory fees for temporary, or in some cases, permanent motor vehicle registration plates and cards or other related products and services offered by the agent. The agent's service (delivery) fees are market driven and vary by agent. To compare service (delivery) fees, you are encouraged to contact the authorized agents in your area for the applicable service (delivery) fees charged.