

FACT SHEET

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

This fact sheet explains the use of Pennsylvania's Secure Power of Attorney Form 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 lienholder.

GENERAL USE INFORMATION

The Secure Power of Attorney form is printed on security paper using light green and orange inks and screening. The owner or designated employee(s) of a motor vehicle dealership or approved insurance company use this form when a lienholder holds the seller's proof of ownership and a lien payoff is required. The seller of a vehicle may appoint the owner or designated employee(s) of a motor vehicle dealership or insurance company as their attorney-in-fact. The owner or designated employee(s) of a motor vehicle dealership or insurance company named on the Secure Power of Attorney Form then completes the odometer information on the proof of ownership when the proof of ownership is received from the lienholder. Part B of the Secure Power of Attorney includes the power of attorney to complete the reassignment on the proof of ownership for a purchaser of the vehicle when the proof of ownership is not present because of a lien and the dealer sells the vehicle. Section C is the “Certification” statement from the authorized agent for the dealer completing the proof of ownership assignments. **NOTE:** The authorized individual for the dealer completing the Secure Power of Attorney does not have to be the same individual; however, in each instance, the individual must be an employee of the same dealership. In these cases, the employee signing for the vehicle seller may also sign for the buyer.

FEATURES

Size: 8 1/2 inches by 11 inches.

Inventory Control Number: Located in the upper right-hand corner. This number is for Department of Motor Vehicle use only.

Format: Each Secure Power of Attorney form is a five-part snap-out form consisting of one original (light green), one secure carbon (orange) and three carbon (pink, green and yellow) copies. The light green original is always submitted to the Department. The orange secure copy always stays with the proof of ownership and will also be submitted to the Department unless the vehicle is being transferred to another dealer or being retitled out 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. The pink carbon copy is the seller's copy, the green carbon copy is the buyer's copy and the yellow carbon copy is the dealer's or insurance company's copy. Each copy has a note in red ink at the bottom of the page indicating to whom that page is to be given.

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Important: The dealer or insurance company's carbon copy (yellow) 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 the Federal odometer requirements.

TYPES OF POWER OF ATTORNEY

Various Powers of Attorney may be used for title applications in Pennsylvania.

1. A Secure Power of Attorney, Form MV-POA (4-96 or newer version) 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. Please note that both Section's A and B 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 (4-96 or newer version) 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.
 - ❖ **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 Departmental 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) 255-8356, 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 C** is to be completed by an authorized individual employed by the dealership listed in Section's 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 Section's A and B are used.

The authorized agent for the dealer completing Section's A, B and C does not have to be the same individual; however, in each instance, the individual must be an employee of the same dealership. In these cases, the employee signing for the vehicle seller may also sign for the buyer when completing the proof of ownership assignments.

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.

NOTE: General Durable Power of Attorney - Granted by someone who wants to place the management of his/her property and financial affairs in the hands of a person he/she trusts. 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 his/her own financial affairs until he/she is unable to do so any longer.

When a copy of the actual General Power of Attorney is being submitted to the Department, it must contain the statement, "I certify that this is a true and accurate copy of the original in the possession of the person identified as the attorney-in-fact", and be notarized and signed by the notary public.

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 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. The 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.

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

SECURE POWER OF ATTORNEY USE

The Secure Power of Attorney Form is used by a registered Pennsylvania motor vehicle dealer or by a Department-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.

1. When the vehicle is to be titled in Pennsylvania, the dealer is required to submit to the Department for processing both the original light green and orange secure copies of the Secure Power of Attorney Forms, the properly assigned proof of ownership and applicable fees within 20 days of the date of purchase. When using this option, the older style three-part Power of Attorney Forms with the orange original copy may still be used.
2. When the vehicle is to be titled outside of Pennsylvania, the dealer is required to submit to the Department 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 \$15.00 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 the Department 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 \$15.00 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. **NOTE:** 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. The Department will allow the dealer to have the vehicle owner complete Section A on the 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 \$22.50 title fee. If a valid lien is still recorded on the vehicle record, the satisfaction of the lien section of the MV-380 must be completed by the lienholder. In addition to the Secure Power of Attorney and the 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 \$22.50 dealer title fee and submit the properly completed forms mentioned above to PennDOT for processing. **(NOTE:** The total fee required in these cases is \$45.00). A Pennsylvania title in the acquiring dealer's name will be processed and mailed to the dealer. **NOTE:** Secure Power of Attorney forms may not be used as proof of ownership for vehicle safety inspection purposes.

INSTRUCTIONS TO OBTAIN SECURE POWER OF ATTORNEY FORMS

The Department, 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 Department-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 the Department, 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 \$45.00 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.