



RMV Signature Guidelines

Dealer, Insurance Agent, and Insurer Usage of Electronic and Digital Signatures on RMV Forms

Introduction

The Registry of Motor Vehicles (RMV) has received numerous inquiries regarding the use of electronic signatures on various RMV Forms. As a result, the RMV is issuing the following *draft* document to provide guidance with respect to the RMV’s expectations concerning the use of electronic signatures on the Certificate of Origin for a Motor Vehicle (MCO) and various administrative forms that are used during the motor vehicle registration process.

Massachusetts General Law (MGL c. 110G § 9(a) provides that an electronic signature “*is attributable to a person if it was the act of the person. The act of the person may be shown in any manner, including a showing of the efficacy of any security procedure applied to determine the person to which the electronic record or electronic signature was attributable.*” Further, § 9(b) directs that the effect of the electronic signature attributed to a person “*is determined from the context and surrounding circumstances at the time of its creation, execution, or adoption, including the parties’ agreement, if any, and otherwise as provided by law.*”

The context and circumstances are important as is the nexus between the person, the document, and the electronic signature. Therefore, in this guidance, the RMV is providing (1) a set of guidelines and definitions for the use of electronic signatures, (2) a list of documents eligible for electronic signature, and (3) a suggested workflow with use cases and their context. The RMV fully recognizes and shares the desire to establish alternative vehicle registration processes that limit the need for the physical presence of the customer at either a dealership or the RMV. The use cases are focused on new vehicle transactions at a dealership that uses the Electronic Vehicle Registration (EVR) process. It is our intent to expand the use cases to include transactions that occur at dealerships that are not part of EVR and casual sales that occur at EVR and non-EVR insurance agents and direct insurance writers. Our first focus is on the dealers, as that is where most of the eSignature requests originate.

This document is being presented as a draft for comment and questions. It is the RMV’s intent to refine the document, if appropriate, after reviewing the comments and suggestions we receive. Below are the dates and proposed activities associated with this process:

Task	Due Date
Draft Guidance Issued	Tuesday, July 14, 2020
Webinar for Interested Parties	Wednesday, July 22, 2020 @ 11:00am & 1:00pm
Deadline for Written Comments	COB Monday, July 27, 2020
Revised Guidance Reissued/Published	Monday, August 10, 2020

All comments should be sent to ATLAS.EVR@dot.state.ma.us. This document has been posted on the [RMV Business Partner Communications](#) website under both the [Insurance Policy Management \(IPM\)](#) and [Electronic Vehicle Registration \(EVR\)](#) pages.

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Guidelines

The RMV is specifying what is acceptable in the form of an electronic signature for use on RMV and Department of Revenue (DOR) documents associated with the processing of Registration and Title transactions.

- A) For the purpose of these guidelines, the following definitions apply:
- "Document" means information that is inscribed on a tangible medium or that is stored in an electronic or other medium and is retrievable in perceivable form.
 - "Electronic" means relating to technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
 - "Electronic Document" means a document that is in an electronic form.
 - "Electronic Signature" means an electronic sound, symbol, or process attached to or logically associated with a document and executed or adopted by a person with the intent to sign the document.
 - "Paper document" means a document that is in printed form.
- B) For records submitted to the RMV, EVR participants may use electronic signatures in lieu of traditional signatures provided the requirements of these guidelines are met.
- C) Electronic signatures may not be used for any purpose other than the purpose indicated by the signer on the document, and:
- Shall be linked to their respective electronic records to ensure that the signatures cannot be excised, copied, or otherwise transferred; and
 - Must match the signer's printed name on the form or application on which the signature is affixed.
- D) The RMV does not certify or approve an electronic signature process or vendors. An entity offering an electronic signature process under these guidelines assumes all responsibility for the accuracy and authenticity of that signature.
- E) A secure document with an electronic signature may only be submitted to the RMV through the EVR process. A secure document with an electronic signature submitted in compliance with these guidelines must be accepted by any EVR Permit Holder, insurance company or insurance agent.
- F) A non-secure document with an electronic signature may be submitted to the RMV through EVR or physically if the electronic signature is printed on the document. A non-secure document with an electronic signature submitted in compliance with these guidelines must be accepted by insurance companies and insurance agents and any entity that is authorized to process RMV transactions.
- G) A system used to electronically sign documents, regardless of how the documents are submitted, must capture and retain the:
- Name of the signer;
 - Date; and
 - Electronic signature of the signer.
- H) An electronic signature physically printed or electronically affixed on any document submitted to the RMV must indicate the signature is an electronic signature.
- I) Unless exempted from this requirement by subsection (J) of these guidelines, a system used by a person to apply or capture an electronic signature or electronically sign a document must verify the identity of the user accessing the system to execute the document with an electronic signature. Access to the system must be secure and utilize unique credentials for each user. The system must:
- 1) Be securely maintained;

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- 2) Employ a secure authentication system capable of identifying a specific individual with a degree of certainty equivalent to or greater than Level 2 as described in NIST Special Publication 800-63-3, Revision 3, [Digital Identity Guidelines](#) (including sub-parts 800-63-3A, 800-63-3B and 800-63-3C), June 2017;
 - 3) Capture and retain the user information by providing the Internet Protocol (IP) address of the signer;
 - 4) Indicate the area(s) electronically signed on any document; and
 - 5) Retain all information provided to the system for a period of five years in a manner that it is readily available to the RMV upon request.
- J) An electronic signature captured using a stylus, pen pad, mouse, or other physical means is exempt from subsection (I) of this section and meets the requirements of these guidelines if the signer presents a current photo identification as described by MGL c90 §2 and RMV policy and the identity of the signer is verified in person by an authorized Individual EVR Participant.

NOTE: Guidelines outline two types of “Electronic Signature.” The first reflects the case where the signer is not present, is electronically authenticated, and signs electronically; this is referred to as an eSignature. The second is where the signer is present but is using an electronic device to sign; referred to as an Electronic Signature.

eSignatures

eSignature is a process where the person signing is not physically present and is using a commercial product (example: DocuSign or Adobe Sign) to “sign” the document in question. For the purposes of signing RMV and DOR documents the eSignature process must meet the standards outlined in the guidelines above.

In addition, any RMV or DOR form that has an eSignature must be retained:

- In a format that cannot be altered unless such alterations are made as authorized by the RMV, and which indicates any unauthorized attempts to alter it;
- In an order that permits systematic retrieval; and
- For a minimum of five years.

Any eSignature made on an RMV or DOR Form must identify an individual, and not solely the organization the person represents or that employs them. If the individual executing the electronic signature is acting in a business capacity or otherwise on behalf of another individual or entity, the business or other individual or entity shall also be identified when the signature is made.

Electronic Signatures

Electronic Signature is a process where the person signing uses a digital signature pad to record their signature and that signature is then applied to the document in question. Or they use a known pre-formatted mark or stamp that is applied to the document along with a unique, secure electronic identifier that denotes the authorized “applier” and who they are applying the mark or stamp on the behalf of. For example; (1) Mary Smith at ABC Insurance agency on the behalf of Liberty Mutual on block K of the [Registration and Title Application \(RTA\) Form](#) or (2) an auto dealer is applying their dealer signature to blocks B8-11 of the Certificate of Origin for a Vehicle.

In the case of an electronic signature where the person is using a signature pad, typically the document is physically present with the person at the time of signing as it is critical to establish

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the nexus between the signature and the document being signed. In the case of the electronic insurance stamp or dealer signature, it is the computer system that is tracking who applied the signature at what time and to what document (often the document is being created by the software with the signature already present).

From an RMV perspective, either an eSignature or an Electronic signature is acceptable on the proposed RMV and DOR documents. **If the customer is not present with the document being signed, only an eSignature is acceptable.** For example, customer “A” signs the RTA Form at the dealership by signing a signature pad and the signature is applied to the RTA Form by the dealer’s software. This is acceptable. Applying the exact same signature to the MVU-33 form (Affidavit in Support of a Claim for Exemption from Sales or Use Tax for a Motor Vehicle Transferred to a Disabled Person) would not be acceptable. The person would need to sign the signature pad again and specifically for this document (the MVU-33). There is an absolute requirement to always have a direct nexus between the document being signed and the signature.

Using the same example, for an eSignature transaction the signer is not present at the dealership. They would be informed that documents (in this case the RTA and MVU-33) await their signature and would then authenticate to the eSignature product. That product would then walk them through the RTA and the MVU-33 directing them to sign in the appropriate places.

In the case of an eSignature, the products that meet the authentication standard quoted above also manage the nexus between the document and the eSignature. The RMV strongly recommends using a commercial product to facilitate an eSignature.

Any requirement by the RMV to disclose, issue, return, notify or otherwise provide information to another person in the course of processing a Registration and Title transaction is satisfied when the required information is electronically transmitted or otherwise electronically available to the party required to review or receive it.

Forms Where Either an Electronic Signature or eSignature is Allowed

Appendix A provides a list of all the commonly used RMV and DOR forms for a registration and title transaction that a customer can sign using a “wet” signature, an electronic signature, or an eSignature. All of these forms are considered non-secure forms for the purpose of these guidelines. Since one of the goals is to facilitate the processing of a registration transaction with a minimum of physical contact, it is the eSignature process only that meets this goal. If there are additional RMV Forms that are not on this list that you believe should be added or that would be of assistance to you if they were listed, please bring them to our attention when submitting your comments.

In addition to the forms noted above, the RMV has created an Electronic Certificate of Origin for a Vehicle (MCO) with instructions for its use, [Appendix B](#). The Electronic MCO Form is meant to facilitate the processing of this form using an eSignature product. **NOTE:** This is considered a secure form for the purpose of these guidelines.

The RMV offers the following guidance regarding a Purchase and Sales Contract: A Purchase and Sales Contract that is signed at a remote (non-dealership) location using an eSignature

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where the dealer's sales representative is not present has the same effect as if the contract was signed with a "wet" signature at the dealer's showroom or office location.

Use Cases

Context for These Use Cases: The RMV provides what is referred to as Electronic Vehicle Registration (EVR) option to dealers, insurance agents and insurance companies. This provides the ability for third parties (referred to as Service Providers) to interface directly with the RMV to process registration and title transactions using electronic messages. The Service Providers offer EVR services to dealers, insurance agents and insurance companies who are in turn are "permitted" to perform registration and title transactions by the RMV. These end users are referred to as Permit Holders. Currently the RMV has two Service Providers (CVR, DealerTrack) for the full EVR product suite and one vendor (Boston Software) for an "EVR lite" version that is specifically geared toward insurance agents. There are approximately 765 Permit Holders using the full EVR product suite and they account for approximately 50% of Massachusetts registration and title transactions annually. The EVR lite product has approximately 1200 insurance agents as users; they use this process to inquire and to produce what are referred to as "Get Ready" (also referred to as "Pre-Staged" in EVR documentation) RTA Forms. These RTA Forms are printed by the insurance agents and have been subjected to all of the RMV edits with the insurance stamp electronically applied. All the owner/vehicle data presented on the RTA Form is saved on the RMV system known as ATLAS. In this manner, when the Get Ready form is presented at a Service Center, the clerk can scan the QR code on the RTA Form and complete the transaction in a fairly straightforward manner. The advantage for the agent and customer is the surety that the transaction is going to process correctly without any errors as all of the information has been pre-validated.

The current EVR process is undergoing a series of changes that will be rolled out by the Service Providers later this summer and early fall (we refer to this as EVR Version 2). These changes will noticeably increase the number of transactions (both inquiry and update) that are available and that will introduce document scanning at the Permit Holder locations. The EVR Lite process is also expanding the available transactions and will allow these users to process renewals, reinstatements, re-activations and duplicate transactions. In addition, the RMV is substantially upgrading its support and compliance staff for this program. Below are two use cases; the first reflects the current state and the second assumes that EVR Version 2 is present at the Permit Holders location and that the Permit Holder has taken full advantage of the eSignature guidelines.

New or Used Vehicle Sale or Lease through a Dealer (No Trade-in)

This first example is presented to reflect the process prior to the COVID-19 state of emergency and using EVR Version 1:

Customer comes to a dealership, the dealer's representative gathers the customer information from their driver's license, owner, registration, financial, trade in, etc. information as presented to the dealer. This information is entered into and saved in the dealer management system (DMS), any validation of this information is undertaken with whatever processes are present in the DMS.

- *Customer and dealer negotiate and agree on the vehicle and price.*
- *Dealer DMS prepares a Motor Vehicle Purchase Contract and obtains a "wet" signature from the purchaser.*

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- Dealer DMS either (1) creates the RTA Form and applicable Sales Tax Exemption forms or (2) uses manual versions of the RTA Form and applicable Sales Tax Exemption forms. The Dealer then obtains a “wet” signature from the purchaser.
- Dealer forwards RTA Form to insurance company or agent via fax and obtains a stamped copy of the RTA Form. (**NOTE:** This and the prior step can occur in the opposite sequence; however, it is entirely up to the agent or insurer to determine if they will “stamp” the RTA Form that has not been signed by the purchaser.)
- Purchaser “wet” signs MCO Form (this can occur at any time during this process although practically it should occur as close to the delivery as possible).
- All of these steps have occurred without any interaction with the RMV or the EVR process. The dealer then forwards the RTA and DOR forms along with the MCO and any other supporting documents to the EVR clerk. In most cases, the data collected by the DMS to complete these forms is also electronically forwarded to the EVR clerk.
- Dealer EVR clerk registers the vehicle. The original documentation is “batched” and periodically sent to the RMV.
- If the vehicle is new, the dealer inspects the vehicle and applies the inspection sticker and either attaches the new plate or, in the case of a transfer, moves the plate from the existing vehicle to the new vehicle. The vehicle delivery is typically at the dealership.
- The customer has the option to take the newly purchased vehicle to an inspection station for a new inspection sticker.

This second example is the same case as above but is presented under the assumption of an eSignature, full implementation of EVR Version 2 and with an eye toward minimizing customer contact:

Customer completes the dealer’s online account registration process by providing driver’s license, owner, registration, financial, trade in, etc. information to the dealer. The driver’s license and registration information are validated with the RMV using the available EVR transactions and recorded in the DMS.

- Customer and dealer negotiate and agree on the vehicle and price.
- Dealer DMS prepares a Motor Vehicle Purchase Contract and obtains an eSignature of the purchaser.
- Dealer DMS creates the RTA Form, applicable Sales Tax Exemption forms and the Electronic Certificate of Origin for a Vehicle; these forms have either an electronic Dealer signature or eSignature as necessary. The dealer then obtains an eSignature of the purchaser on these forms.
- Dealer forwards RTA to insurance company or agent via fax and obtains a stamped copy of the RTA Form.
- Dealer DMS electronically forwards PDF versions of the eSigned Purchase and Sales agreement, RTA Form, any applicable DOR sales tax forms, Electronic Certificate of Origin for a Vehicle, and any other related documents along with the RMV validated data that was used to generate these forms to the EVR clerk/system.
- The EVR clerk registers the vehicle on the day of delivery. All applicable eSigned RMV/DOR/Purchase and Sales and related forms are now recorded in the RMV ATLAS system and the originals retained at the Permit Holders location.
- If the vehicle is new, the dealer inspects the vehicle and applies the inspection sticker dealer delivers the vehicle.
 - At the dealership. In the case of a transfer, the dealer would move the plate from the old to the new vehicle.

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- *If at any other location, dealer can (a) drive the vehicle to the purchaser, (b) flat bed or tow the vehicle to the purchaser and, if a trade-in is present after removing and transferring the plate to the new vehicle, either (a) drive the trade-in vehicle on a dealer plate or (b) flatbed the vehicle back to the dealership.*
- *In all cases, the dealer delivers a hard copy of the registration and the receipt for RMV fees to the purchaser.*
- *The customer has the option to take the newly purchased vehicle to an inspection station for a new inspection sticker.*
- **NOTE:** In this proposed process, there is no requirement for the physical presence of the purchaser. If there were a trade-in vehicle, the dealer would need to obtain a “wet” signature on the traded vehicle’s title document.

The RMV recognizes that the remaining manual step in this process is obtaining the insurance stamp. The RMV is looking for DMS vendors, EVR Service Providers, and insurers and agent representatives who would be interested in participating in a virtual working group to see if we can establish a technical solution to allow for a more robust communication method and a true electronic version of the insurance stamp. Contact us at ATLAS.EVR@dot.state.ma.us if you are interested in participating in this discussion.

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Appendices

Appendix A: Non-Secure RMV/DOR Documents

Form Name / Number	Description	eSignature Allowed?	EVR	Casual Sale	Dealer Sale
DOR Forms					
ABT	Application for Abatement	Yes	Yes	Yes	Yes
MVU-21	Affidavit in Support of a Claim for Exemption from Sales or Use Tax for a Motor Vehicle Transferred by Contest, Drawing or Raffle	Yes	Yes	Yes	Yes
MVU-22	Affidavit in Support of a Claim for Exemption from Sales or Use Tax for Transfer of a Fire Engine or Ambulance	Yes	Yes	Yes	Yes
MVU-23	Affidavit in Support of a Claim for Exemption from Sales or Use Tax for a Motor Vehicle, Trailer or Other Vehicle Transferred to an Insurer	Yes	Yes	Yes	N/A
MVU-24	Affidavit in Support of a Claim for Exemption from Sales or Use Tax for a Motor Vehicle Transferred as a Gift	Yes	Yes	Yes	N/A
MVU-26	Affidavit in Support of a Claim for Exemption from Sales or Use Tax for a Motor Vehicle Transferred Within a Family	Yes	Yes	Yes	N/A
MVU-27	Affidavit in Support of a Claim for Exemption from Sales or Use Tax for a Motor Vehicle Transferred by Intestacy Will or Otherwise	Yes	Yes	Yes	N/A
MVU-29	Affidavit in Support of a Claim for Exemption from Sales or Use Tax for a Motor Vehicle Purchased Outside of Massachusetts	Yes	Yes	Yes	Yes
MVU-33	Affidavit in Support of a Claim for Exemption from Sales or Use Tax for a Motor Vehicle Transferred to a Disabled Person	Yes	Yes	Yes	Yes
Registration Forms					
REG100	Affidavit for Cancellation of Registration	Yes	Yes	N/A	N/A
TTLREG100	Registration and Title Application (RTA) Form	Yes	Yes	Yes	Yes
EVR104	Request for Reauthorization	Yes	Yes		
EVR103	Request for a Plate Re-Assignment	Yes	Yes		Yes
Title Forms					
TTL103	Affidavit of a Surviving Spouse	Yes	Yes	Yes	N/A
T20234	Application for Withdrawal of Title for New Vehicle	Yes	Yes	N/A	Yes
TTL109	Application for Inspection of a Salvaged Motor Vehicle	Yes	Yes	Yes	N/A

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Appendix B: Instructions for the Electronic Certificate of Origin for a Vehicle (MCO) and MCO Certification Form:

[MCO Certification Form](#)