

NOTICE OF PROPOSED GUIDANCE DOCUMENT

April2020PlainDealing

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment on April2020PlainDealing, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 1 day by:

1. Department's website:

<https://trust.dot.state.wi.us/act369/?id=DMV1008&uri=file:April2020PlainDealing&division=DMV&tags=DAS>

2. Mailing written comments to:

Division of Motor Vehicles
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7336
Madison, WI 53707-7336

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsin.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV

E-signature requirements for vehicle sales transactions

The department looked at how dealers can facilitate sales transactions via a completely electronic process. We recognize there are many variables to a sales transaction and identifying one "standard" transaction is difficult. However, the forms used to complete a transaction are often the same. [Wis. Stat. § 137](#) allows an electronic signature to be used, making no distinction between "wet" and electronic signatures.

Wisconsin law places responsibility on the dealer to select an electronic signature format from a reputable source and ensure it meets all signature requirements, including odometer disclosures (see [Wis. Stat. § 137.25](#)). The Department does not endorse, cannot refer, and will not recommend, any electronic signature software provider over another. The sole responsibility and liability fall on the dealer and their decision to use that software provider.

Below are common sales scenarios and the forms used during those transactions. These are intended to help you determine when you can collect a purchaser's signature electronically to complete the sale of a vehicle. Keep in mind dealers and agents must still adhere to all other existing laws and requirements regarding the sale of a vehicle, submission of documents and document retention.

Note: Dealer trades and dealer-to-dealer sales must continue to be recorded on the physical title. Wisconsin does not allow the use of a supplemental reassignment, except when the title is non-conforming.

Vehicle sale without a trade-in when the dealer holds the physical title

The customer can sign all required documentation electronically. The dealer must complete their reassignment on the title as seller and provide the odometer disclosure. The customer may sign the MV-11 in lieu of the title.

Vehicle sale without a trade-in where the title is held by the lien holder

This is a scenario where the vehicle being purchased was previously traded in with a lien. The dealer has made the payoff but hasn't received the title yet. The customer can sign all required documentation electronically. The dealer must include the MV-2690, inquiry print (the print must show the title is being held by a lien holder), and proof of pay-off when submitting paperwork to DMV. The MV11 serves as the odometer disclosure between the dealer and purchaser.

Vehicle purchased from private party

In this scenario the dealership purchases a vehicle outright from a private party for the purpose of resale. If the title is held by a lien holder, the customer can sign all documents electronically but an MV2690 must be printed on secure paper. If the vehicle has a clean title, all reassignments and disclosures should be provided on the title.

Lien Agent facilitating the sale of a vehicle between two private parties

In this scenario, a lender is coordinating the sale and financing of a private party sale. If the seller's vehicle is currently being held by a lienholder, the lender must obtain an MV2690 from the seller to obtain the odometer disclosure. The MV2690 can be signed electronically but must be printed on secure paper. If the seller's title does not have a lien, the seller must complete the reassignment and odometer disclosure on the title.

Forms

The following forms can be signed electronically and must be printed using a secured printing process or other secure process* if used for an odometer disclosure:

- **MV-11 Wisconsin Title and License Plate Application:** Application for Wisconsin title, used specifically by WI licensed dealers. Can also be used as final reassignment, having an odometer disclosure and signed by both the selling and purchasing parties.
- **MV-2690 Power of Attorney, Vehicle Odometer Disclosure:** This POA can only be used when the title is held by a lien holder. The form must be signed by the trade-in customer and receiving dealership at the time of trade-in, then again by the dealership once/if the title is physically received by the agent from the previous lender.
- **MV-2488 Vehicle Transfer and Odometer Mileage Statement:** To be used as a reassignment under limited circumstances from the dealer to the purchasing customer. This form is also used by the department, when requesting transfer information for the purpose of correction. This form is not sold by vendors; it is available through WisDOT by submitting [DT1435 Request for Forms](#). If you are not sure about how or when this form should be used, contact the Agent Partnership Unit.

The following forms can be signed electronically and printed using a non-secure printing process:

- **MV-2119 Replacement Title Application:** To be signed by the owner of record unless held by a lien holder. If held by a lien holder, the replacement title application must be signed by the primary lien holder. Power of Attorney cannot be granted to a dealership for the purpose of applying for a replacement title.
- **General Power of Attorney:** A POA can be granted for the purpose of signing documents required for a purchase, such as a leased vehicle. A Wisconsin dealer or an individual employed with the dealership receiving a vehicle cannot act as a POA for the purpose of applying for a replacement title.
- **MV-1 Wisconsin Title and License Plate Application:** Unlike the MV-11, this form does not contain an odometer statement and is not required to be on secure paper.
- **MV2790 Trustee Statement for Certificate of Title:** Required when titling a vehicle to or receiving a vehicle from a trust. Be aware, the name of the trust must exactly match name on the application (MV-1, MV-11) submitted.
- **MV2872 Wisconsin Buyer's Guide**
- **Purchase Contract**

* "Secure printing process or other secure process" means any process which deters and detects counterfeiting or unauthorized reproduction, or both, and allows alterations to be visible to the naked eye. For additional information about secure printing methods please see [Appendix A to Part 580-Secure Printing Processes and Other Secure Processes](#) of the Code of Federal Regulations.

Please direct any questions to the Agent Partnership Unit or your Field Investigator.