

Power-Of-Authority (POA) Frequently Asked Questions

(As of 7.13.23)

Correction/Other Questions

1. Will you be able to use these electronic POA's for title and registration corrections after the vehicle has been processed?

Non-Secure and Limited POA's may be used if the wording allows, and the document was not dated over one year prior. If submitting for a correction to the mileage, an Odometer Disclosure Statement that is wet signed and notarized is required.

2. Will you be able to use these electronic POA's for special plate requests (*i.e. handicap, personalized*) after the customer has already obtained base plates?

Yes. Dealerships will be able to use the Limited Dealership POA or the Non-Secure POA in this circumstance as long as the wording allows, and the document was not dated over one year prior.

3. How are boat dealerships impacted by the change in the POA forms and signatures?

The Dealership POA can still be used, must be signed with wet signatures, and be notarized. The Non-Secure POA can also be used, must be electronically signed accompanied by Certification of Completion. Notary is not required in this case.

MVC Related Questions

1. Will you be able to use these electronic POA's for local DMV processes when not using NJ CAR?

Yes

2. When will local DMV's accept digital signatures?

The new POA forms and guidelines are currently acceptable. The transition period lasts through September 15, 2023. After that date, all new procedures and guidelines must be followed.

3. Do we have to attach new paperwork as far as power of attorney when we drop off paperwork at MVC to get done?

Yes

General POA Questions

1. How long are these electronic POA's good for? Is there a time limit on when they expire? For example, the bank misplaces the title and requests the dealership to apply for a duplicate 1 or 2 years later, can we use them?

These POA's are intended to be used immediately and are considered stale-dated after one year. The electronic POA's cannot be used to apply for a duplicate title 1 or 2 years later.

2. We do not sell any vehicles online, strictly in person, so does this new format pertain to my dealership?

Yes. The Non-secure POA to be used with electronic signatures is not mandatory, nor can you force a customer to use a Non-secure POA. You can continue to use a general or limited POA, but it must be notarized. However, the Odometer Disclosure Statement and Secure-POA are mandatory when applicable.

3. Do we have to switch to E-sign POAs if our dealership is still doing wet signatures?

No. See question 2 above.

4. Will the odometer statement need to be submitted with every transaction that you process online through a DMS? Should we still be using Limited POA's for these transactions?

Yes, the Odometer Disclosure Statement must be submitted with each transaction that includes a POA unless the vehicle is exempt from the odometer disclosure requirements under Federal and State law. The use of Limited POA's is the dealership's choice. Be reminded that Odometer Disclosure Statements must be signed. Wet signatures and notarization are required for any odometer corrections.

5. It was mentioned that the POA's must be filled out electronically in their entirety, but we typically leave the Dealer Representative name blank because we have multiple title clerks. Are we able to leave that portion blank and stamp the name?

No. The name of the authorized representative must be typed into the POA. The customer cannot give authorization to a blank space. Additionally, the customer's address must be on the POA. The authorized representative cannot also notarize the POA.

6. We currently use a limited POA and odometer statement on all transactions. Is there a reason we would adopt these new POA's?

The purpose of the Non-Secure POA is to offer a digital solution to signing. Adopting the use of this POA may also be beneficial because it does not require notarization. The new POA was adapted to meet all NJ MVC requirements. The Secure POA is intended to be used when those situations apply.

7. For deals that are for out-of-state customers, are these Powers of Attorney going to be required for those other states? Or are they only for New Jersey residing customers?

If a vehicle will be titled in a state other than New Jersey, that state should be contacted to verify the policies in place for acceptance of Powers of Attorney.

8. Can more than one dealership representative be appointed?

More than one representative can be appointed on Limited POA's and on the Non-Secure POA. Only one dealership representative can be appointed on the Secure POA.

9. Is it possible to have 2 different POA's per dealership in the event of illness, vacations or if an employee leaves?

See Question 8.

10. What scenario would we use the odometer/POA that would require both the electronic signature and the wet signature?

The Non-Secure POA (e-signed) can be used with either an e-signed or wet signed Odometer Disclosure Statement. If a General or Limited POA is used, it must be notarized, and the Odometer Disclosure Statement can either be e-signed or wet signed. An Odometer Disclosure Statement that is used to process odometer corrections must be wet signed and notarized.

11. What if you are hired at a new dealership as an MV clerk? Can the dealership change the name on the paperwork so the new clerk can sign without delay?

A dealership can add or change the names of employees listed as authorized individuals at any time. This is accomplished by updating your 'Dealership Signature Card' on file with the Business Licensing Services Bureau of the MVC. However, this does not allow a change to an already completed POA.

12. When should each form be used? What is acceptable and what is not?

- **Dealer / Limited POA:** can be continued to be used as they are used in current business practices. This must be notarized and accompanied by an Odometer Disclosure Statement. Use this for any title or MCO not signed by the owner.
- **Non-Secure POA:** Can be used for any title or MCO not signed by the buyer. This POA is specifically used for purchase from a NJ licensed dealer. Must be completed digitally and have accompanying Certification of Completion. Use an Odometer Disclosure Statement (with customer signature) in conjunction with this form.
- **Secure POA:** Required with any title that is lost or held by lienholder. Sections A and C are used in conjunction. Add section B only if the vehicle is resold prior to the dealer receiving the title.

13. Can the form be completely handwritten?

Limited/Dealer POA's can still be filled out by hand, wet signed and notarized with an accompanying Odometer Disclosure Statement which can be digitally filled out and electronically signed. The Odometer Disclosure Statement can also be filled out digitally and then wet signed or filled out by hand and wet signed. If the Odometer Disclosure Statement is used for odometer corrections, it must be notarized and wet signed. The Non-Secure POA and Secure POA must be digitally filled out.

14. How will this change work through our DMS integration?

It should not change the work. You would be substituting the authorized NJMVC Non-Secure POA to be e-signed in your DMS system. Secure POA's may be included in the DMS integration if this works for your business process. However, the forms must keep the same security features that MVC has instituted, and the documents must be wet signed by all parties. Limited POA's must be wet signed unless they are remotely notarized.

15. Does the title clerk have to be the dealer representative whose name is printed on every form since that is who will eventually sign the title and other MVC documents?

Yes. The Dealership representative who is on the Signature Card and stated on the form will complete the signing on all documents.

16. Regarding signing documents on behalf of the deceased/estates, does the printed name have to be the deceased or the person signing on behalf of the deceased on POA and odometer statements?

If the vehicle of a deceased individual is being traded in by the Executor or Administrator of the estate, the name on the POA should be "the Estate of...". Make sure you collect the certified Surrogate's Certificate with seal issued by the County Surrogate's Office to be included with the title paperwork.

17. Will there be an app or program to send forms electronically to customers?

No. Dealerships must come up with their own system or process to send the Non-secure POA and Odometer Disclosure Statement to their customers during an online sale.

18. After customer signs and e-mails back to us, do we print and send to NJ CAR with the DMV work?

Yes. This applies only to Non-Secure POA's; and Limited POA's that are remotely notarized.

19. Can we have clarification on when we can still use a Limited Power of attorney as we currently do (noted that we will now need a separate odometer statement as well) versus when we are *required* to use the new non-secure or secure POA's?

Limited POAs can still be used being wet signed and notarized with an accompanying Odometer Disclosure Statement. Refer to question 12 above. You are not required to use the Non-secure POA. Nor can you force a customer to use the Non-secure POA if you implement it. The Secure POA is mandatory when a POA is needed when the Title is lost or held by a lienholder (typical trade scenario).

20. Will we be able to have these POA's loaded into our DMS system to be e-signed with the rest of the deal documents or will they need to go to MVC's website separately for every transaction in order for the security features to work?

See question 14.

21. In regard to the 90-day grace period, will our NJ CAR processors start to notify us of paperwork that will not be in compliance, or will we just start getting rejections when the cut-off date comes?

Paperwork that has been sent to NJ CAR prior to the expiration of the transition period will be processed under current rules. Anything submitted after the transition period must conform to the new rules. Dealerships are responsible for ensuring their facility is compliant by the expiration date of the transition period: 9/16/2023.

22. Can you please elaborate as to why we would need a wet signature if we are already capturing an E-Signature on the Secure POA.

The Secure-POA must be wet signed. The form does not capture a signature. It italicizes the typed name as an indication of where to sign. The customer will wet sign over or next to the italicized digital name in the signature section.

23. Would this POA need to be used for a new vehicle with an MSO?

A Limited POA or a Non-Secure POA can be used for a new vehicle with an MCO/MSO. If a POA is used for this purpose, a separate Odometer Disclosure Statement is required to be submitted, unless the vehicle is exempt from the odometer disclosure requirements under Federal and State law.

24. Can we just do everything as we have been and just include an odometer statement?

Not entirely. Limited and General POA's can continue to be used. However, the Limited or General POA must be notarized, appoint a dealership representative, and be accompanied by a separate Odometer Disclosure Statement. Transactions for vehicles traded-in, where the title is lost or held by the lienholder must be handled using the Secure POA. Also, must include the customer's printed name and address.

25. Can any Notary do an electronic notarization?

New Jersey notary publics who intend to offer remote and/or electronic notarizations must notify the New Jersey Department of Treasury, Division of Revenue and Enterprise Services. More information can be found here [State of NJ - Department of the Treasury - Division of Revenue - Notary Public Law](#)

26. If there is a deal with a reassignment, then does the deal need an odometer for both POAs?

An Odometer Disclosure Statement is needed IF the buyer does not sign the reassignment form themselves. If the previous seller (prior to trade-in), did not sign the title, and a Limited POA is used, then another separate Odometer Disclosure Statement would be required for that part of the transaction. However, if a Secure POA is signed by the seller because the title was lost or held by the lienholder when the trade-in occurred, a separate Odometer Disclosure Statement is NOT needed.

27. Do all POA's have to be notarized?

No. Only the Dealership/Limited POAs must be notarized. If an Odometer Disclosure Statement is used for odometer corrections, it must be wet signed and notarized.

28. What signature verification services are acceptable for certifying that electronic signatures are valid?

Services that confirm verification complies with NIST authentication assurance level 2, are acceptable. Any E-Signature documents must be accompanied by a "Certification of Completion" for each party that signs.

Dealer POA Questions

1. If we choose not to use electronic signatures on documents, can we continue to use the same POA and odometer statements we currently use?

Yes. Separate Odometer Disclosure Statements will now have to be submitted with the title paperwork for any transactions that include POA's and for which the vehicle being transferred is not exempt from the odometer disclosure requirements under Federal and State law.

2. We currently use our company letterhead as a POA with the customer's original signature. Can we continue to process our POA this way, with the exception that now it must be notarized?

Yes. As long as the POA appoints a dealership representative and lists customer's address.

3. NJ CAR currently accepts the limited power of attorneys for our in-state work without notarization, is this going to change moving forward?

Yes. The Dealership or Limited POA must be signed and notarized; also required is an Odometer Disclosure Statement.

Secure POA Questions

1. On the Secure POA you stated that the dealership must keep copies (wet signature). How can we send the wet signature to DMV and keep a wet signature in the dealership file. Do we have to print them twice and have the customer sign again?

The dealership must retain copies of the signed POA's in their files in every case. In most cases, all Parts will be original when submitted. For example, the dealership takes a vehicle trade-in, has the seller complete Part A and they complete Part C. They hold these documents. They then sell the vehicle before receiving the title from the lienholder. At this time, Part B is completed, and all originals are combined when the transaction is submitted.

The only time that copies must be submitted is when the title is lost and the dealership applies for a duplicate on the seller's behalf, after the dealership sells the vehicle to a new owner. Only if it has already been resold before the duplicate title is obtained should they make copies of Parts A and C to submit for a duplicate title. The originals should be held together to be submitted as a combination (with Part B) when completing the subsequent transaction in the name of the new buyer. For filing purposes, copies of the signed documents must be retained by the dealer for a period of five (5) years.

2. If this is to be used for trade-in vehicles, how do we know the title number to complete all sections of the form? How do I find the title number since the title is held by a lien holder in the case of a payoff

If a title number is unknown or does not exist, the field should be left blank.

3. Can we use the Secure POA when the title is lost or lienholder is holding the title and the dealership has paid off the vehicle?

Yes. It is required for this purpose.

4. When do I use the different parts of the Secure Power of Attorneys?

The Secure POA can only be used when the title is lost or held by the lienholder. Part A is signed by the customer who trades in the vehicle. Part C is signed by the dealership. Part B is filled out when a customer purchases the vehicle, and the dealership is still waiting to receive the title.

5. On the Secure POA they just want the name of the employee of the dealership, can we put in parentheses the name of the dealership?

Yes, this is acceptable. The named employee of the dealership must be the person to sign for the customer.

6. I am looking for more clarity around the Secure POA. It seems dealers can use this in place of having a title at the time of selling a vehicle to a customer if the title is being held by a lien holder. Is that correct? Does this also apply to out of state titles?

See questions 1 and 4 within this section for general clarification. This applies to out-of-state titles that are traded in directly to a NJ licensed dealer. If a vehicle is first traded-in to an out-of-state dealer, that dealer should use the conforming POA's supplied by their licensing jurisdiction.

Lease/Fleet Questions

1. On a leased vehicle, the bank POA's we currently use are photocopies that are good for 1 year. Are these still acceptable? If not, what is now required from the Leasing bank?

Yes, these are still acceptable when submitting documents and are accepted for one (1) year. Reminder, a lease POA is only to be used for new leases and is not to be used to sign for the leasing company as seller.

2. Do we need to use any of the forms on Lease Buyouts?

No, the bank will sign off on the title when the vehicle is sold. Should the bank fail to sign the back of the title, the Leasing POA will be required for the dealership to sign as seller.

3. What are acceptable Lease POAs?

Paperwork required for leases is not changing, with one exception. The Odometer Disclosure Statement signed by the customer/lessee must now be submitted with the title application/MCO, etc...

4. Can we use the same POAs that leasing companies send us every year to register lease vehicles or do they have to fill out the Limited Power of Attorney that NJ MVC has generated?

Yes. They can still utilize the current POAs.

5. Some dealerships deal with Fleet customers that purchase multiple units. These purchases can vary anywhere from 5 to 40 units. Our current company POA & odometer statement can list multiple units on one document. Will there be an updated POA and odometer statement

that reflects more than one unit or will our customers be forced to sign one POA and one odometer statement per unit?

One Odometer Disclosure Statement per unit is required. If a Limited or General POA is worded to cover multiple vehicles, a list of all vehicles involved in the sale should be listed on the POA or on an attachment that can be linked with the main document.

Non-Secure POA Questions

1. Upon vehicle purchase, will buyer and co-buyer need to sign separate non-secure POA's, or do both sign the same POA?

The Buyer and the co-buyer will sign the same non-secure POA.

2. Are the non-secure power of attorneys going to become mandatory at some point? If yes, when?

Not at this time.

3. What is a certificate of completion?

An electronic signature Certificate of Completion offers detailed information relating to a signer's digital identity and document activity. This can then be downloaded as a pdf to verify signature authenticity.

4. What are the requirements for the e-sign certification?

The law requires that execution of a Non-Secure POA meet the minimum-security requirements set forth by the National Highway Traffic Safety Administration under C.F.R. s. 580.1 et seq. for Assurance Level 2. Someone from the dealership must certify this fact on the bottom of Non-Secure POA.

5. Regarding the certificate of completion, what information would need to be required for it to be accepted?

At a minimum, certificates of completion should have information such as signer events, signature, timestamp, and summaries. Each provider has its own information.

6. Are the electronic signatures and new POA forms for online sales only and in-person sales will remain the same?

The Non-secure POA can be used for both online and in-person sales. The Secure POA must be used during in-person interaction.

Odometer Disclosure Statements

1. Does the Odometer Statement need to be the form provided by NJMVC or can it be another odometer statement?

At this time, use of the revised OS/SS-2 is suggested, but not mandatory. This may change in the future.

2. We never had to send odometer statements in the past. Is this something that we will have to start doing?

Yes

3. Can the mileage be handwritten if the rest of the form is typed?

No, the mileage should also be typed.

4. Does the person signing the Odometer statement need to be the person signing the POA on behalf of the dealership?

No, as long as both representatives are authorized signers, the documents do not have to be signed by the same person.

5. If we e-sign the odometer statement through our DMS, is this acceptable?

Yes, it must also be accompanied by Certificates of Completion.