

540 CMR: REGISTRY OF MOTOR VEHICLES

540 CMR 5.00: MOTOR VEHICLE TITLE: USE OF ELECTRONIC SIGNATURE AND ELECTRONIC TITLE

Section

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5.01: Authority, Purpose, and Scope

Subject to the requirements 540 CMR 5.00, Dealers may use Electronic Signatures on Motor Vehicle Paper Titles in *lieu* of traditional signatures for Dealer Sales or Dealer Assignments of Title. Subject to the requirements 540 CMR 5.00, Dealers and individuals may use the RMV's Electronic Certificate of Title processes for the sale or transfer of Motor Vehicles. The E-Title processes shall only apply to Intrastate Transactions whereby a Motor Vehicle is sold:

- (a) Through a Dealer Sale;
 - (b) Through a Dealer Purchase; or
 - (c) Through a Casual Sale.
- 540 CMR 5.00 only applies to
- (d) the Electronic Signature on Paper Titles and
 - (e) the issuance and transfer of Electronic Title for Motor Vehicles.

540 CMR 5.00 does not modify Motor Vehicle registration transactions requirements set forth under M.G.L. c. 90, § 2 and 540 CMR 2.05: *Vehicle Registration Requirements*.

540 CMR 5.00, issued by the Registrar of Motor Vehicles, establishes the requirements, standards, and specifications for the use of Electronic Signatures on Motor Vehicle Paper Titles and the sale and transfer of Motor Vehicles using an Electronic Title process as authorized under M.G.L. c. 90D, §§ 11A, 24, and 39.

Nothing in 540 CMR 5.00 shall alter the Title requirements outlined in M.G.L. c. 90D or in 940 CMR 5.00, including but not limited to the requirements under M.G.L. c. 90D, §§ 4, 15(a), 16(a), and 32(b), and 940 CMR 5.04(11).

5.02: Definitions

For the purposes of 540 CMR 5.00, the following definitions shall have the meaning:

Casual Sale. A sale for consideration of a Motor Vehicle that is from an individual owner to another individual, who are both Massachusetts residents; provided however, that business entities shall not be considered individuals.

Certificate of Title or Title. Issued by the RMV for a Motor Vehicle pursuant to M.G.L. c. 90D, certifying the Motor Vehicle's current ownership, which includes both a Paper Title and an Electronic Title. No other documents, whether paper or electronic, detailing Motor Vehicle ownership history shall constitute a Certificate of Title.

Class 1. As defined in M.G.L. c. 140, § 58.

Class 2. As defined in M.G.L. c. 140, § 58.

Class 3. As defined in M.G.L. c. 140, § 58.

Dealer. Any person who is licensed as a Class 1 or Class 2 dealer pursuant to M.G.L. c. 140, §§ 57, 58, or 59, engaged principally and substantially in the business of buying, selling or exchanging Motor Vehicles, maintains a facility dedicated to carrying out said business, and is open to the public. Neither a person licensed as Class 3 nor a person who sells Motor Vehicles solely on a wholesale basis are considered Dealers.

5.02: continued

Dealer Assignment of Title. An action in which a Dealer takes possession of a Motor Vehicle and is assigned Title, and the Dealer through a sale, pursuant to M.G.L. c. 90D, § 16, transfers said Title to a customer. Dealer Assignment of Title shall not include the transfer without sale of Title of Motor Vehicles between Dealers, pursuant to M.G.L. c. 90D, § 16.

Dealer Purchase. An action that transfers Title, pursuant to M.G.L. c. 90D, § 15, from an individual owner(s) to a Dealer, upon sale for consideration of a Motor Vehicle; provided however, that business entities shall not be considered individuals.

Dealer Sale. An action

- (a) that transfers Title, from a Dealer to a customer, which may include an individual or a Dealer, upon a sale for consideration, of a Motor Vehicle or
- (b) for the sale of a Motor Vehicle, utilizing a Manufacturer's Certificate of Origin, which has never been issued a Title, by a Dealer to a customer. For both E-Signature and E-Title, Dealer Sale shall not apply to transactions at wholesale and for E-Title, Dealer Sale shall not apply to transactions with business entities that are not Dealers.

Electronic Certificate of Title or E-Title. A Certificate of Title issued in an electronic form; provided however that E-Title shall only be issued for Intrastate Transactions utilizing the Electronic Vehicle Registration Program or myRMV, where applicable.

Electronic Signature or E-Signature. As defined in M.G.L. c. 110G, § 2.

Electronic Signature Platform. The platform used by a Dealer to obtain Electronic Signature on a Paper Title, which meets the requirements of 540 CMR 5.03(6).

Electronic Vehicle Registration Program or EVR. The Registry's Electronic Vehicle Registration Program, which authorizes approved third parties to facilitate Motor Vehicle Title and registration transactions, enter Motor Vehicle data onto the Registry's computer database, which may be through an authorized third-party vendor, and perform ancillary functions subject to such terms and conditions as the Registrar may prescribe. For the purposes of 540 CMR 5.00 and subject to the requirements 540 CMR 5.00, EVR shall only be used for

- (a) E-Signature for Paper Titles and
- (b) the issuance and transfer of Electronic Certificate of Title for Motor Vehicle.

Intrastate Transactions.

- (a) A Massachusetts Title transaction that occurs solely within Massachusetts as part of a Dealer Sale to a Massachusetts resident for the sale or transfer of a Motor Vehicle;
- (b) a Massachusetts Title transaction for a Casual Sale; or
- (c) a Massachusetts Title transaction for a Dealer Purchase.

Limited-use Process. A temporary written process for which the Registrar may designate an alternate means to the E-Signature process, as described in 540 CMR 5.03(12), only under certain circumstances as prescribed in 540 CMR 5.03(12).

Manufacturer's Certificate of Origin. As described M.G.L. c. 90D, § 6.

Motor Vehicle or Vehicle. As defined in M.G.L. c. 90, § 1 and, for the purposes of 540 CMR 5.00 shall not include Trailers or any other vehicle the Registrar determines to be unverifiable in the National Motor Vehicle Title Information System ("NMVTIS") or such other database or system as determined by the Registrar.

myRMV. A secure online portal available to Commonwealth residents who are RMV customers to access the Registry of Motor Vehicles and engage in various license and vehicle-related transactions and services.

Paper Certificate of Title or Paper Title. A physical Certificate of Title issued pursuant to M.G.L. c. 90D, § 9 including the front and back of each page of said title and all title assignments.

5.02: continued

Registrar. The Registrar of the RMV.

Registry or RMV. The Registry of Motor Vehicles.

Trailer. As defined in M.G.L. c. 90, § 1.

5.03: Requirements and Limitations for use of Electronic Signature for Paper Titles

Subject to the requirements 540 CMR 5.00, Dealers may use Electronic Signatures on Paper Titles submitted to the Registry for a Dealer Sale or Dealer Assignment of Title, in lieu of traditional signatures on Paper Titles. Dealer Sales and Dealer Assignments of Title must meet the requirements of 540 CMR 5.03 to use Electronic Signature on a Paper Title for the sale or transfer of a Motor Vehicle; provided that in the event that a Vehicle is owned or will be owned by multiple individuals, any applicable requirements of 540 CMR 5.03 apply to each individual owner or potential owner.

- (1) An Electronic Signature shall not be used for Casual Sales or Dealer Purchases.
- (2) Electronic Signature shall only be used on Paper Title transactions whereby a Vehicle is sold or transferred as part of a Dealer Sale or on Paper Title transactions whereby a Vehicle is sold as part of a Dealer Assignment of Title.
- (3) A Paper Title that has been executed with an Electronic Signature in accordance with the requirements contained 540 CMR 5.00 does not have to be converted to physical format by printing for any purpose, except when submission by physical means is necessary and required by the Registrar.
- (4) Electronic Signature may be used to transfer a Motor Vehicle Paper Title as part of a Dealer Assignment of Title, provided that all of the following requirements are met:
 - (a) The existing Motor Vehicle Paper Title is properly assigned to the Dealer, pursuant to M.G.L. c. 90D, § 16;
 - (b) The Paper Title is free of all encumbrances and liens; and
 - (c) The Dealer is enrolled in EVR.
- (5) Electronic Signature may be used to transfer a Motor Vehicle Paper Title, as part of a Dealer Sale, provided that all of the following requirements are met:
 - (a) The existing Motor Vehicle Paper Title is issued to the Dealer transferring Title, in the Dealer's name, pursuant to M.G.L. c. 90D, § 15;
 - (b) The Paper Title is free of all encumbrances and liens; and
 - (c) The Dealer is enrolled in EVR.
- (6) The security requirements for using Electronic Signatures for Paper Title transactions meeting the requirements of 540 CMR 5.03 must comply with the following, or such other standards and controls which may be identified by the Registrar in guidance:
 - (a) The Electronic Signature Platform must meet the standards of NIST SP 800-63-3;
 - (b) The signatory for the Dealer must be authorized to sign Paper Titles on behalf of the Dealer, and supply documentation sufficient to the Registrar supporting and certifying that authorization;
 - (c) The signatory for the Dealer must undergo identity proofing at Identify Authentication Level 2 (IAL2) standards during account enrollment on the Electronic Signature Platform. "IAL2" means identity proofing meeting NIST SP 800-63-3 standards *via* validated government photo ID and biometric liveness verification;
 - (d) The signatory for the Dealer shall authenticate using multi-factor authentication meeting Authenticator Assurance Level 2 (AAL2) standards to access the Electronic Signature Platform. "AAL2" means multi-factor authentication using at least two different authentication factors as defined by NIST SP 800-63-3 (*e.g.* username and password plus one-time code); and

5.03: continued

(e) The buyer must receive a secure, one-time access link from the Electronic Signature Platform *via* email or SMS and must complete identity verification (validated government ID and biometric liveness check) before signing. This meets AAL1 authentication with IAL2-equivalent identity verification standards, or such standards or controls which may be identified by the Registrar in guidance.

(7) A Dealer Sale or Dealer Assignment of Title that includes a transfer of a Paper Title utilizing Electronic Signature must be submitted with the following documentation in a format approved by the Registrar, to be considered valid for sale or transfer purposes:

(a) Signed attestation under the pains and penalties of perjury, in a form or manner approved by the Registrar, affirming that the scanned Paper Title is a true and unaltered representation of the original document and any Electronic Signature meets the Registrar's requirements as enumerated in 540 CMR 5.03;

(b) Signed attestation under the pains and penalties of perjury, in a form or manner approved by the Registrar, affirming that the Electronic Signature Platform used to obtain the Electronic Signature meets the Registrar's requirements as enumerated in 540 CMR 5.03(6);

(c) The Electronically Signed Title Package, in a form and manner approved by the Registrar, consisting of:

1. Digitally signed document bundle containing a scanned Paper Certificate of Title or Manufacturer's Certificate of Origin, fillable Digital Signature Retail Sale Assignment form or Electronic Manufacturer's Certificate of Origin Form, as approved by Registrar, and additional documents as required by law or transaction type; and
2. Electronic Signature Platform generated certificate of completion:
 - a. Signature attestation records for Dealer and customer;
 - b. Audit trail report itemizing the signature history of all signatories; and
 - c. Document integrity verification report.

(8) An Electronic Signature on a Paper Title, meeting the requirements of 540 CMR 5.03, shall only be submitted through EVR to the RMV, except when otherwise directed by the RMV.

(9) All documents related to the Dealer Sale and Dealer Assignment of Title shall be retained and destroyed in a form and manner as determined by the Registrar.

(10) Pursuant to M.G.L. c. 110G, § 5, nothing in 540 CMR 5.00 shall be construed to require a buyer to use E-Signature.

(11) Nothing 540 CMR 5.00 shall be construed to require, limit, prohibit, or otherwise hinder the Registrar to provide or issue an "electronic power of attorney" or "electronic title" as those terms are defined in Part 580 of Title 49 United States Code of Federal Regulations, or require the use of or provide an electronic signature process, system, platform, or service.

(12) The conveyor of the Vehicle shall maintain or surrender the existing Paper Title or Manufacturer's Certificate of Origin, if applicable, upon completion of the transaction for a Vehicle that is sold, or transferred under 540 CMR 5.03, in a form or manner prescribed by the Registrar.

(13) Limited-use Process: The RMV shall develop a Limited-use Process for the Electronic Signatures for Dealer Sales or Dealer Assignments of Title eligible for use of the E-Signature process under 540 CMR 5.03. The Limited-use Process may only be used during a term specified by the Registrar when implementing the Limited-use Process is necessary to meet Registry compliance directives or for limited circumstances as determined by the Registrar, in their sole discretion. For any term that the Limited-use Process is available, it must be made available to all applicable customers under 540 CMR 5.03. Any attempt by a customer or Dealer to utilize the Limited-use Process during a term not specified by the Registrar shall result in the transaction being denied and may be deemed a violation of 540 CMR 5.03, subject to penalties as described in 540 CMR 5.06.

5.03: continued

(14) Out of State Dealers using Out of State Certificates of Title:

(a) For the purposes of 540 CMR 5.03(13), the following definitions shall have the following meanings:

1. Out of State Certificate of Title or Out of State Title. A certificate of title issued by a non-Massachusetts Motor Vehicle Administrator for a Motor Vehicle, certifying the Motor Vehicle's current ownership, issued on paper, including the front and back of each page of said title and all title assignments. An Out of State Certificate of Title shall constitute a "Paper Title" for the purposes of conducting transactions pursuant to 540 CMR 5.03(13) and meeting the requirements of 540 CMR 5.03.

2. Out of State Dealer. Any person who is licensed in another state as a motor vehicle dealer, is eligible to participate in EVR and enrolled in EVR, is engaged principally and substantially in the business of buying, selling or exchanging new or used Motor Vehicles, maintains a facility dedicated to carrying out said business, and is open to the public. Neither a person who sells Motor Vehicles solely on a salvage basis nor a person who sells Motor Vehicles solely on a wholesale basis are considered Out of State Dealers. An Out of State Dealer shall constitute a "Dealer" within the definition of "Dealer Sale" and "Dealer Assignment of Title" under 540 CMR 5.03.

(b). Subject to the requirements of 503 CMR 5.03, Out of State Dealers may use Electronic Signatures on Out of State Certificates of Title submitted, through EVR, if eligible and enrolled in EVR, to the Registry for a Dealer Sale or Dealer Assignment of Title only to a Massachusetts resident, in *lieu* of traditional signatures.

5.04: Procedures for Establishing an Electronic Title.

(1) Upon payment of the fee for Certificate of Title, as prescribed in 801 CMR 4.02: *Fees for Licenses, Permits, and Services to Be Charged by State Agencies*, for Intrastate Transactions meeting the requirements of 540 CMR 5.05:

(a) Dealers may use EVR to apply for an Electronic Title for Dealer Sales.

(b) Individual sellers and buyers, must each have an active myRMV login and use myRMV to apply for an Electronic Title for a Casual Sale.

(c) An individual seller, initiating a Dealer Purchase transaction through myRMV, to a Dealer buyer utilizing EVR may apply for an Electronic Title for a Dealer Purchase.

(2) In the event that a Vehicle is owned or will be owned by multiple individuals, the requirements of 540 CMR 5.04 apply to each individual owner or potential owner.

(3) All other Title transactions must be processed in accordance with the Paper Title processes contained in M.G.L. c. 90D, §§ 15, 16 and any applicable policies and procedures issued by the Registrar.

(4) Insurance carriers, insurance agents, lienholders, and other authorized stakeholders may validate Electronic Titles for Motor Vehicle Sales through the Registry.

(5) Upon request by the current owner or lienholder and upon payment of any applicable fees, the Registry may issue a Paper Title with a new Title number that will supersede any existing Titles, including the prior E-Title.

(6) Any Motor Vehicle registration transactions require a separate transaction with separate requirements defined under M.G.L. c. 90, § 2 and 540 CMR 2.05: *Vehicle Registrations Requirements*.

(7) All sales tax due as the result of a transaction under 540 CMR 5.00 shall be collected in a form and manner determined by the Registrar or as directed by the Department of Revenue.

5.05: Requirements for use of Electronic Title Process.

(1) Requirements for Dealer Sales:

- (a) To effect an Electronic Title transaction for a Dealer Sale, Dealers must:
 - 1. hold the Manufacturer's Certificate of Origin for a new Vehicle that has never been issued Title or take Title to the Vehicle, pursuant to M.G.L. c. 90D, § 15;
 - 2. be enrolled in EVR;
 - 3. submit and maintain all other documentation required under state law and regulation, including those required for execution of a Dealer Sale pursuant to 940 CMR 5.00;
 - 4. store and maintain E-Title and transaction support documents for five years from the date the new E-Title is issued by the RMV or the term identified in their EVR agreement, whichever is longer, except as provided below, as may be updated from time to time in the Registrar's sole discretion;
 - 5. dispose of copies and original EVR records in accordance with their EVR agreement and program specifications, and other such policies that the Registrar may issue, which may be updated from time to time in the Registrar's sole discretion; and
 - 6. comply with any other requirements established by the Registrar.
- (b) If the buyer is a Dealer, the buyer must be enrolled in EVR. If the buyer is an individual, the buyer must have an active myRMV account and login.
- (c) The Title must be free of all brands or encumbrances, other than liens on Electronic Lien Transfer under M.G.L. c. 90D, § 11, that the Dealer is completing a payoff as part of the transaction.
- (d) A Dealer Sale shall not utilize a power of attorney to effectuate an E-Title transaction.
- (e) The Dealer Sale must be an Intrastate Transaction.

(2) Requirements for Casual Sales and Dealer Purchase:

- (a) The following must be met to effect an Electronic Title transaction for a Casual Sale and Dealer Purchase:
 - 1. The seller must:
 - a. Have an active myRMV account and login;
 - b. Have the Title in their name and possession, which may include electronic possession through myRMV; and
 - c. Submit and maintain all other documentation required under state law and regulation.
 - 2. If the buyer is a Dealer, the buyer must be enrolled in EVR. If the buyer is an individual, the buyer must have an active myRMV account and login.
 - 3. The Title must be free of all brands, encumbrances, or liens.
 - 4. A Casual Sale and Dealer Purchase shall not utilize a power of attorney to effectuate an E-Title transaction.
 - 5. The Casual Sale or Dealer Purchase must be an Intrastate Transaction.
 - 6. Any other requirements established by the Registrar.

5.06: Violations and Enforcement

(1) The Title of any Motor Vehicle that is issued in violation of 540 CMR 5.00 shall be subject to the notice and revocation process as outlined under M.G.L. c. 90D, § 27 and 540 CMR 9.00: *Conduct of Hearings within the Registry of Motor Vehicles*.

(2) Enforcement and Penalties for Violations of use of Electronic Signature and E-Title for Dealer Sales.

- (a) For any Dealer issued a notice pursuant to 540 CMR 5.06(1), who is found by the RMV, based on substantial evidence, to be in violation of 540 CMR 5.00, or found by the RMV to have submitted documentation to the Registry on paper or through EVR containing fraudulent information, the Registrar shall impose one or more of the following:
 - 1. Suspend or revoke the Dealer's access to EVR.
 - 2. ii. Notify the Dealer's Licensing Authority of this violation.
 - 3. Any other penalty within the Registrar's legal and administrative authority, as the Registrar may deem appropriate.

5.06: continued

(b) For any Dealer who fails to respond timely to the Registry's notice issued pursuant to 540 CMR 5.06(1) and the revocation process as outlined under M.G.L. c. 90D, § 27 and 540 CMR 9.00: *Conduct of Hearings within the Registry of Motor Vehicles*, the Registrar shall suspend or revoke the Dealer's access to EVR.

(3) Enforcement and Penalties for Violations of use of E-Title for Casual Sales and Dealer Purchases.

(a) For any Dealer issued a notice pursuant to 540 CMR 5.06(1), who is found by the RMV, based on substantial evidence, to be in violation of 540 CMR 5.00, or found by the RMV to have submitted documentation to the Registry on paper or through myRMV or EVR containing fraudulent information, the Registrar shall impose one or more of the following:

- 1. Suspend or revoke the Dealer's access to EVR.
- 2.. Notify the Dealer's Licensing Authority of this violation.
- 3. Any other penalty within the Registrar's legal and administrative authority, as the Registrar may deem appropriate.

(b) For any individual issued a notice pursuant to 540 CMR 5.06(1), who is found, based on substantial evidence, to be in violation of 540 CMR 5.00 or to have submitted documentation to the Registry on paper or through myRMV containing fraudulent information, the Registrar shall impose one or more of the following:

- 1. Suspend or revoke the individual's access to myRMV, requiring all Registry transactions to be conducted in-person for the duration of the suspension or revocation period.
- 2. Any other penalty within the Registrar's legal and administrative authority, as the Registrar may deem appropriate.

(c) For any individual or Dealer who fails to respond timely to the Registry's notice issued pursuant to 540 CMR 5.06(1) and the revocation process as outlined under M.G.L. c. 90D, § 27 and 540 CMR 9.00: *Conduct of Hearings within the Registry of Motor Vehicles*, the Registrar shall suspend or revoke their access to myRMV or EVR, as applicable, pending the outcome of a hearing for the violations noticed by the Registry.

5.07: Effective Dates

The effective date will be the date of publication of 540 CMR 5.00, except as follows:

Date	540 CMR 5.00 Section and Title
August 31, 2026	5.04 Procedures for establishing an Electronic Title for Casual Sales
August 31, 2026	5.05(1) Requirements for use of Electronic Title Process for Casual Sales
March 31, 2027	5.04 Procedures for establishing an Electronic Title for Dealer Sales 5.04 Procedures for establishing an Electronic Title for Dealer Purchases
March 31, 2027	5.05(1) Requirements for use of Electronic Title Processes for Dealer Purchases 5.05(2) Requirements for use of Electronic Title Process for Dealer Sales

REGULATORY AUTHORITY

540 CMR 5:00: M.G.L. c. 90D, §§ 11A, 24, and 39; St. 2025, c. 9, §§ 38, 39 and 40.