



REGISTRY OF MOTOR VEHICLES

ELT

Electronic Lien and Title Program Business User Manual

Massachusetts Department of Transportation
Registry of Motor Vehicles Division: www.massrmv.com

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Introduction

The Electronic Lien and Title Program, (ELT), is a paperless method by which the MassDOT-RMV Division and a lending institution (lienholder) can exchange vehicle and title information via a Service Provider.

Instead of printing a paper title and mailing it to the lienholder, the RMV transmits the title record electronically. The lending institution stores the electronic record instead of a paper title.

Once the lien has been satisfied, the lienholder sends the RMV an electronic message releasing the title. The RMV prints and mails the title to the vehicle owner or a third party if designated by the lienholder. Also, the lienholder may request a paper title listing themselves as lienholder at any time.

At this time the following states are participants in the program:

Arizona*
California*
Colorado
Florida*
Georgia*
Hawaii
Idaho
Iowa
Kansas
Louisiana*
Maryland*
Massachusetts*
Michigan
Nebraska*
Nevada*
New York
North Carolina*
Ohio
Pennsylvania*
South Carolina*
South Dakota*
Texas
Virginia*
Washington

* Indicates that the state has a mandated ELT Program in place.

Life Cycle of an Electronic Title

- Vehicle is purchased at automobile dealer or from private party
- RTA form application for registration and title is completed by dealer, insurance company or agent listing a specific lienholder name / lienholder code
- Vehicle is registered and titled; lienholder is recorded in RMV data base
- RMV issues title number and transmits lien notification, (electronic title), to lienholder
- Lienholder retains electronic record instead of a paper title
- Title record remains electronic until one of the following occurs:
 1. Customer pays off loan / lienholder sends electronic message to RMV to release the lien and mail the title to the owner.
***RMV prints title and mails directly to owner.
RMV database is updated: Lienholder information is deleted.***
 2. Dealer pays off existing loan for customer / lienholder sends electronic message to release lien and mail title directly to the dealer or third party
***RMV prints title and mails directly to third party requested by lienholder.
RMV database is updated: Lienholder information is deleted.***
 3. Lienholder requests title to be printed with existing lienholder information for one of the following reasons:
 - a. Vehicle is repossessed
 - b. Lienholder requires paper title
 - c. Customer moving out of state / paper title required for registration and title in that state.
RMV prints title and mails directly to the existing lienholder.

Mailing timeframe is the next business day after the electronic message is received by the RMV. Business days are defined as Monday-Friday. Saturdays, Sundays and Holidays that the RMV is closed are not considered business days.

Life Cycle of a Paper Title

- Vehicle is purchased at automobile dealer or from private party
- RTA form application for registration and title is completed by dealer, insurance company or agent listing a specific lienholder name / lienholder code
- Vehicle is registered and titled; lienholder is recorded in RMV data base
- RMV issues paper title and mails to lienholder
- Lienholder receives/ documents/ stores paper title until one of the following occurs:
 1. Customer pays off loan / lienholder manually completes lien release on the front of the paper title / lienholder mails title to owner.
Lienholder information remains in RMV database.
 2. Dealer pays off existing loan for customer, if title is on file at the lienholder, the title may be given in hand or mailed to the dealer.
Lienholder information remains in RMV database.
 3. Vehicle is repossessed
 4. Customer moving out of state / paper title required to register in another state.

NOTE: If the paper title is readily accessible when required, the paper process although cumbersome, may present no problem. However, historically we have found that the lienholder may not be able to readily locate the title. This would require the application and processing of a duplicate title and significantly delays the recipient from receiving their paper title when requested.

Dealer / Third Party Payoff

One of the integral business issues of ELT is the dealer/third party payoff. A process has been developed to accommodate both the lienholder and the dealer/third party in the timely manner required by both parties.

When a dealer/third party pays off a loan for a customer, according to the paper title procedure, the dealer/third party pays the balance of the loan in the manner specified by the lienholder, (cash, certified check, EFT, etc.), produces the DRT-1 authorization for payoff form, and ultimately receives the title.

In the electronic world, there is no paper title at the lienholder, only an electronic record. The lienholder sends an electronic message to release the lien and print a paper title.

The lienholder supplies the dealer/third party name and address as part of the message, and subsequently, the RMV mails the title directly to the name and address indicated. When the title is printed, the dealer/third party name and address appears on the title in the space allocated for the mailing address.

The title will print during the nightly batch cycle and will be mailed directly from our mailing facility to the dealer/third party on the ***next business day***.

VERY IMPORTANT PLEASE READ

The purpose of this legal explanation is to ensure that lien payoffs from motor vehicle dealers in Massachusetts are processed by your lending institution within *three (3) days* if the payoff authorization is accompanied by a certified check or a bank cashier's check. We also request that if there is a discrepancy in the amount received and the amount owed, your staff should quickly contact the dealer making the lien payoff to allow him to arrange for the correct payment amount.

Massachusetts Law:

The law, M.G.L. c.90D, § 24 requires that:
Upon the satisfaction of a security interest in a vehicle for which the certificate of title is in the possession of the lienholder, the lienholder shall, **within three days after demand** and, in any event, within ten days, execute a release of his security interest, in the space provided therefor on the certificate or as the registrar shall prescribe, and mail or deliver the certificate and release to the next lienholder named therein, or, if none, to the owner or any person who delivers to the lienholder an authorization from the owner to receive the certificate. (Emphasis added).

Three-day Versus Ten-day Periods:

The three-day period applies whether you as a lienholder have a paper Title in your possession or you are equipped to process Titles through the Electronic Lien & Title program. The "demand" is made when a dealer attempts to pay off an existing lien. The 10-day period mentioned in the law applies when the vehicle's owner, as listed on the Title, pays off the lien in full, directly to the lienholder.

Standard Industry Practice:

After a vehicle with an existing lien has been taken in trade by a dealer, standard industry practice is for the dealer to pay off the lien by sending a certified check or a cashier's check to the lienholder with the properly executed document entitled **Assignment and Authorization for Payoff**. This document authorizes the dealer to pay off the existing lien and instructs the lienholder to release the lien on the Title and forward the Title to the dealer-transferee who has acquired the vehicle and is paying off the lien. Once the lienholder receives the certified check or a cashier's check, the lien should be released and the Title forwarded to the transferee (not the owner listed on the Title) **within three (3) days of receipt**.

Ramifications of Lienholder Delays in Releasing Liens and Forwarding Titles:

Massachusetts law requires delivery of a properly assigned Title at the time the vehicle is delivered to the purchaser. Without the Title in-hand, a dealer who has taken a vehicle in trade may not sell and deliver that vehicle. If a lienholder who has received full payment fails to timely release the lien and deliver the Title to the dealer-transferee, that dealer does not have the ability to sell that vehicle and must store the vehicle until such time as the Title is received. Storing a vehicle beyond the time required by statute, until a Title is received from a lienholder, unnecessarily ties up a dealer's lot space and, more importantly, ties up his capital. If a dealer is inconvenienced in this way by several lienholders at the same time, it ties up thousands upon thousands of dollars and numerous vehicles. The problem expands as we multiply that by hundreds of dealers and thousands of vehicles. Across the length and breadth of the state and ultimately the nation, the impact upon the local and national economy caused by unreasonable delays by lienholders in releasing liens and forwarding Titles is a significant problem. It is a drain on the local dealer's ability to conduct business, a drain on the local and national economies and an unnecessary buildup of unsold inventory.

Enforcement Beginning November 1, 2004: On and after that date, if the Registrar receives a complaint of the failure of a lienholder to execute a lien release in the time required by MGL c.90D, §24, the Registrar **may**:

- (i) send a written **Notice** to the lienholder indicating a complaint of non-compliance has been received and urging the lienholder to follow the law as stated in MGL c.90D, §24 if it has not already done so, e.g. three (3) days to release the lien on demand or 10 days following payment if no properly worded demand has been made;

- (ii) state in the **Notice** that a lienholder's lack of compliance in the allowed time will mean a civil administrative penalty may be imposed. The Registrar is authorized to consider numerous factors in determining the amount of a civil penalty including the lienholder's past non-compliance. **The minimum civil administrative penalty authorized by law is \$500 for a first offense but the other factors may substantially increase the amount owed.** The law allows the Registrar to dispense with written **Notice** and impose a civil administrative penalty if he/she is satisfied that the lienholder's action is part of a pattern of non-compliance or indicates a willful disregard of the statute.
- (iii) assess a civil administrative penalty if the Registrar is satisfied that the lienholder has not complied with the law in the time required after **Notice** has been sent (unless no Notice was required). The Registrar may set the civil administrative penalty **from the date of the Notice** and notify the lienholder of the amount and the due date for payment in full. Notification of the assessment of a civil administrative penalty will include information concerning the lienholder's right to a Hearing at the Registrar's offices in Boston if requested within the time required. Failure to respond within 21 days of the Notice date constitutes waiver of any right to a Hearing and any objection to the amount of the civil administrative penalty; and
- (iv) triple the amount of the assessed civil administrative penalty if the lienholder pays the original assessment late or fails to pay the entire sum when due. The law also authorizes the imposition of costs, interest, attorney's fees and additional costs and attorney fees incurred in collection.
A decision by the Registrar is deemed final and any appeal is through the Massachusetts court system under the provisions of MGL c.30A.

LienholderCodes

As a participant in the ELT program, we require that each lienholder consolidate any existing, multiple lienholder codes down to **one** specific code. You may elect to retain one of the existing codes or a new code may be assigned. You should take into consideration that if there is a familiarity associated with an existing lienholder code, it is best to retain that existing code. The use of a single code minimizes the potential for errors among dealers, insurance companies and RMV clerks.

It is the responsibility of the lienholder to provide accurate name / address and lienholder code information to the automobile dealers / insurance companies and any other entities who prepare the RTA applications. This will help to ensure that your lending institution is accurately recorded at the point of registration.

If you are in the business of "indirect lending", a notification that you are an ELT participant should be sent to your dealer base in advance of the implementation to notify them of your specific lienholder code. The ELT Department will notify the MassDOT-RMV Division personnel of your participation, and your specific lienholder code.

Both of these actions should ensure that the correct lienholder information is assigned to a record that you hold a lien against.

The gateway to ELT is accomplished through a unique six-character lienholder code.

The code includes indicators for the type of lienholder: "C" for Commercial followed by a series of five digits and the electronic address. This unique code initiates the ELT messaging.

This is how the information displays in the Massachusetts RMV database:

| Type | Lien Code | Gap Code | Branch | ELT User ID |
|----------|--------------|----------|--------|-------------|
| C | 12345 | ABC | AA | XXXX1234 |

Note: When notifying your dealer base, the only portion of the code you need to send is the Type and the Code, for example, "**C 12345**". This is the code they should enter on the RTA form application for registration and title or the Title Amendment form to add a lienholder to an existing title.

Change of Name/Address

The lienholder participant will notify the RMV in writing of their intent to change name and/or address at least **thirty (30)** days in advance of the change. The change to the lienholder participant will notify their dealer clients of the name and/or address in advance to allow ample time for computer programming changes. The RMV will require a copy of the notification to the dealers for their records.

Change of Service Providers

The lienholder participant may at some time elect to change service providers, or this may be the result of a merger *or* the sale of one lending institution to another.

The lienholder participant should review the contract with their existing service provider to determine the amount of notification time that is required for termination of their contract.

The lienholder participant will then notify the RMV in writing of their intent to change Service Providers. It will be the responsibility of the existing Service Provider to electronically transfer the records to the alternate Service Provider in a time frame mutually agreeable to all concerned parties but designated by the RMV. It is the responsibility of the existing Service Provider to maintain quality service levels during this interim period.

Please refer to the excerpt from the ELT Service Provider Agreement:

Changing of Service Providers:

Should the Lienholder elect to change its current Service Provider, it shall notify the RMV in writing of its intent at least thirty (30) days in advance of the change.

It is the responsibility of the existing Service Provider to maintain quality service levels during this interim period.

Note: The RMV is not responsible for any fees incurred by the lienholder participant to change service providers.

How Do I Get Started?

Onboarding

In order for a lienholder to be a participant in the Massachusetts ELT Program, you will need to contract with one of the service providers listed below. At the present time these are the only Service Providers authorized for the Massachusetts ELT Program.

Contacts for each Service Provider are listed below in alphabetical order.

Service Providers

(Listed in alphabetical order)

DDI

www.dditechnology.com
Decision Dynamics, Inc.
4723-C Sunset Blvd
Lexington, South Carolina 29072

Ann Gunning
803-808-0117
Email: ann.gunning@dditechnology.com

DealerTrack (formerly FDI)

www.dealertrack.com

9750 Goethe Rd
Sacramento, CA 95827

Robert Christini, Senior Manager Sales
215-599-2435
Email: sales@dealertrack.com

PDP Group Inc

www.pdpgroupinc.com
10909 McCormick Rd
Hunt Valley, Maryland 21065

John C. Yarbrough, Director of Business
Development and Legislative Affairs
443-799-7783
Email: john.yarbrough@pdpgroupinc.com

Secure Title Administration (Formerly Assurant Specialty Property)

2975 Breckinridge Blvd.
Duluth, GA 30096

Leslie D. Johnson
LJohnson@SecureTA.com
678-694-9868

VINtek Inc

www.vintek.com

Robert Christini, Senior Manager Sales
215-599-2435
Email: sales@dealertrack.com

Once you have contracted with one of the approved ELT Service Providers, you will be required to complete documentation.

All lending institutions and service providers who participate in the Massachusetts ELT Program are required to sign a contract and complete documentation with the MassDOT-RMV Division prior to onboarding. In addition, the documentation expires every three years and if you continue to be a participant in the Massachusetts ELT Program, you will be required to renew these documents at the end of the three year period, Failure to complete these forms at renewal time may result in suspension from the program until the documents are submitted. You will be notified in advance of the expiration.

These are the required documents for participation in the ELT Program:

- ELT Lienholder Agreement
- RMV Business Partner Contact Form
- Access Agreement

To obtain these documents please contact one of the parties indicated below by email and they will send you a link to the documents. The documents are signed and submitted electronically.

Joyce Mover, ELT Program Manager
617-680-1448 Cell
Email: joyce.mover@dot.state.ma.us

Joshua Orenberg, ELT Program Coordinator
857-366-1129 Cell
Email: joshua.orenburg@dot.state.ma.us

ELT Program Mailbox: Atlaselt@dot.state.ma.us

Frequently Asked Questions

- **What do we do if we receive a Massachusetts Electronic Title Record that does not belong to us?**
 - ✓ First, do a thorough search to accurately determine if you **are** or **are not** the lienholder.
- Once you have determined that you **are not** the lienholder, please send an email to Atlaselt@dot.state.ma.us. This email address is specifically for participants in the Massachusetts ELT Program. The ELT Department will research the original RTA form submitted to the RMV and send the Certificate of Title to the correct lienholder. If we determine that the Massachusetts Title does belong to you, we will inform you.

Very Important: Many of you are holding Massachusetts Electronic Title records that do not belong to you. When the owner or a dealer pays off the loan, a crisis arises when the actual lienholder of record does not have the title record to release.

Please do not hold onto electronic title records that do not belong to you; at some point someone will be looking for a title, and it may be you.

If you require assistance printing an unmatched title record, please contact your service provider.

- **How often should I check my error report?**
 - ✓ Error reports should be checked **every day** so that any transactions that were returned with an error can be addressed, and the title ultimately sent to the designated party in a timely manner.
If you require instructions to access your error report please contact your Service Provider .

➤ **What do we do if our lending institution moves, changes the mailing address or changes their name?**

- ✓ The lienholder participant will notify the RMV in writing of their intent to change name and/or address at least **thirty (30) days** in advance of the change. The lienholder participant will notify their dealer clients of the name and/or address in advance to allow ample time for programming changes.
- ✓ The RMV will require a copy of the notification to the dealers for their records.
- ✓ The notification to the RMV may be sent by email to: AtlasELT@dot.state.ma.us

➤ **What do we do if we need to change Service Providers?**

- ✓ An ELT participant may at some time elect to change service providers, or this may be the result of a merger *or* the sale of one lending institution to another. The lienholder participant should review the contract with their existing service provider to determine the amount of notification time that is required for termination of their contract.

The lienholder participant will then notify the RMV in writing of their intent to change Service Providers. It will be the responsibility of the existing Service Provider to electronically transfer the records to the alternate Service Provider in a time frame mutually agreeable to all concerned parties but designated by the RMV. It is the responsibility of the existing Service Provider to maintain quality service levels during this interim period.

Note: The RMV is not responsible for any fees incurred by the lienholder participant to change service providers.

➤ **Can a Certificate of Title be mailed to anyone other than the registered owner?**

- ✓ Yes. In the event of a third party payoff, the title can be mailed to whomever the lienholder indicates as part of the release. However, if it is a dealership performing the payoff, be sure to request a copy of the DRT-1 Authorization for Payoff form, completed with all the required signatures.
- ✓ Certificate of Title will print during the nightly batch cycle and will be mailed directly from our mailing facility to the designated dealer/third party on the **next business day**.

Note: Business days are defined as Monday – Friday.

➤ **How long does it take to print and mail a paper Certificate of Title after the electronic title is released by the lienholder?**

- ✓ If you release a lien on any given day, the message is processed that evening. The title is printed, and mailed to the registered owner on the **next business day** directly from our mailing facility.

Note: This timeframe is the same for dealer payoffs and title prints.

➤ **What do we do if a Certificate of Title listing the lienholder is required?**

There are several instances that you would require a Certificate of Title to be printed with the existing lienholder information:

- 1) Vehicle is repossessed
- 2) Lienholder requires paper title
- 3) Customer moving out of state / paper title required for registration and title in that particular state.

Send a print request, and the title will be mailed directly to you, the lienholder. Mailing time frame is the next business day **after** the electronic message is received by the RMV.

➤ **What is required when we sell a loan or a group of loans to another lending institution?**

Since you are no longer the lienholder for the vehicle(s), you should release the lien and send the title to the new lienholder. The new lienholder should submit an amendment form, the title and a \$25.00 fee to:

MassDot-RMV Division
Attn: Title Division
PO BOX 55889
Boston MA 02205-5889

This will ensure the current lienholder is accurately recorded on the title record whether the title is paper or electronic. When the final payment is made by the owner or when a dealer or an insurance company makes a payoff, the title can be located and released in the timeframe required by Massachusetts Law.

Repossessions

If a motor vehicle has been repossessed for breach of a security agreement, the lienholder by law must follow the procedures described in this section. When a vehicle is repossessed, the owner is NOT required to assign the Certificate of Title. The procedures specified in this document apply to both Massachusetts and out-of-state titles.

A. Lien Recorded on Title

A lienholder who has repossessed a vehicle for breach of the security agreement and has a recorded lien on the Certificate of Title must provide the following items when transferring the vehicle to a purchaser:

- ✓ a notarized Affidavit of Repossession
- ✓ the Certificate of Title properly assigned to the next owner.

B. Lien Not Recorded on Title

A lienholder who has repossessed a vehicle for breach of the security agreement but the lien has NOT been recorded on the Certificate of Title must apply for a new title in its own name. When applying for this new title, the lienholder must provide the following items:

- ✓ a notarized Affidavit of Repossession
- ✓ a copy of the Security Agreement
- ✓ a notarized Affidavit of Fact
- ✓ RTA completed in the name of the lending institution
- ✓ \$75.00 Title fee
- ✓ MVU-30 Form

C. No Title Exists

A lienholder who has repossessed a vehicle for breach of the security agreement but no Certificate of Title exists for the vehicle, must apply for a new title in its own name.

In applying for this new title, the lienholder must provide the following items:

- ✓ a notarized Affidavit of Repossession
- ✓ a copy of the Security Agreement
- ✓ a notarized Affidavit of Fact
- ✓ RTA form, Application for Registration and Title
- ✓ \$75.00 title fee

Legal Reference: MGL 90D §17(b)

VERY IMPORTANT: Do not release the lien on the title if the title being submitted as a supporting document is a Massachusetts title.



Affidavit of Repossession

Registry of Motor Vehicles
P.O. Box 55889 • Boston, MA • 02205-5889

This affidavit is to be used in accordance with MGL Chapter 90D, Section 17.

Instructions

1. Complete Lienholder Certification and Signature section.
2. Have application notarized.
3. Completed affidavit must be retained with the original certificate of title.

A. Lienholder Certification and Signature

I/We,

_____ Lienholder's name and address

do hereby swear, that there was due from

_____ Debtor's name and address

the sum of \$ _____ secured by a valid lien dated _____ on the motor vehicle listed below:

Year _____ Make _____ Model _____

VIN _____ Title No. _____

Check one of the following:

- I/We further swear and affirm under the penalties of perjury that the default having been made in the payment by said date, that the debtor voluntarily surrendered the possession of said motor vehicle, to the undersigned lienholder on

_____ Date

OR:

- I/We further swear and affirm under the penalties of perjury that default having been made in the payment of said debt, the lienholder seized said motor vehicle without process of law on

_____ Date

The undersigned lienholder hereby certifies under the penalties of perjury that the motor vehicle herein described was lawfully repossessed under the terms of the valid agreement and not in conflict with the existing laws of the Commonwealth of Massachusetts, and in particular Chapter 90D, Section 17b.

Signature: _____

Date: _____

Printed Name: _____

B. Notarization

Notarization: On this _____ day of _____, _____, before me, the undersigned notary public, personally appeared _____ (name of document signer), proved to me through satisfactory evidence of identification, which were _____, to be the person whose name is signed above, and who swore or affirmed to me that the contents of the document are truthful and accurate to the best of his/her knowledge and belief.

Printed Name of Notary Public: _____

Signature of Notary Public: _____

My Commission Expires: _____

Place notary seal above