

	Policy Title Power of Attorney for Title & Registration Application (REVISED)	Effective Date 08/21/2023
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Purpose

To provide guidance regarding acceptable Power of Attorney (POA) forms to conduct RMV vehicle Title or Registration transactions.

Scope

This policy applies to powers of attorney (POA) used to authorize an agent to conduct certain RMV vehicle transactions on behalf of the principal using the RMV Registration and Title Application (RTA).

1. Definitions

Power of attorney (POA) is a legal document that allows a designated person, partnership, or corporation (“agent,” as used herein, or “attorney-in-fact”) to act on behalf of an individual, the “principal.”

There are various types of POA, including *Durable Power of Attorney (DPA)*, *General Power of Attorney*, and *Limited Power of Attorney (LPOA)*. This policy refers to all types as “POA.”

Durable Power of Attorney (DPA) and General Power of Attorney (GPOA) typically allow the agent to act on all matters on behalf of the principal for an indefinite period of time.

Limited power of attorney (LPOA), in contrast with a DPOA or GPOA, gives the agent the authority to act on the principal’s behalf for a specific purpose or for limited time periods.

Form “Vehicle Owner’s Limited Power of Attorney” (TTLREG109) is the RMV’s LPOA template for registration and title transactions.

“Free form” POA refers to any POA that does not use the RMV’s template (“Vehicle Owner’s Limited Power of Attorney” (TTLREG109)).

“E-Signature” within this policy means a digital signature that is electronically authenticated. Examples of an e-signature include signatures applied using Adobe Sign and DocuSign. A typed name does not qualify as an eSignature.

“Electronic signature” within this policy means a digital signature where the signer uses an electronic device to sign rather than an ink pen, for example, on a digital pad using a stylus **OR** a known pre-formatted mark with a unique, secure electronic identifier that denotes the authorized “applier” and who they are applying the mark or stamp on the behalf of. A typed named does not qualify as an electronic signature.

“Handwritten signature” within this policy means a signature written with a pen, stylus, or other handheld instrument, i.e. not typed or eSigned, whether original or a photocopy.

Requirements

1. When a POA is Required

A POA is required whenever a third-party agent (i.e., anyone other than the principal, also known as the applicant or owner) is signing any document necessary to process any registration or title transaction on the behalf of the principal/applicant/owner, including but not limited to:

- a) Registration and Title Application (RTA)
- b) Title and Odometer Disclosure Statement
- c) Sales tax forms

A POA is not required for a “runner” or another person to drop off an application on behalf of a customer at an RMV Service Center, unless otherwise specified.

2. Acceptable POA

2.1 General Requirements for All POA for RMV Registration & Title Transactions

This section applies to all POA submitted to the RMV.

- a) The RMV shall accept RMV form “Vehicle Owner’s Limited Power of Attorney” (TTLREG109) or any free form POA that meets the legal requirements in Massachusetts (refer to section 2.2 of this document). **Clear, legible, quality** photocopies may be accepted.
- b) Where the RMV learns that the principal is deceased, it shall not accept the POA.
- c) In order to transfer a vehicle’s Certificate of Title using a POA, the RMV shall require the original title as an attachment to the application. However, the RMV shall not, under any circumstances, transfer a vehicle title to the agent or representative of the agent named on the POA.
- d) The RMV shall require a **clear, legible, quality** photocopy of the Agent’s driver’s license or identification as an attachment to the POA. A valid ID from any state or country is acceptable. If the agent is not an individual, for example, a business or corporation, the agent shall provide a copy of the identification of the representative who signed the POA. The language “on behalf of/as an agent of [business or corporation]” shall be required following their signature.
Note: *There are additional identification requirements for mailing a duplicate title to any address other than that of the owner of record or lienholder.*
- e) Service Center employees shall consult with the Service Center Manager or designee prior to rejecting any POA or if they are uncertain whether to accept a particular POA. If the Service Center Manager is uncertain whether a POA is acceptable, they shall consult with RMV legal counsel for guidance.

2.2 Free Form POA

The RMV shall accept any legally executed POA provided all of the following requirements are met in addition to the requirements outlined in section 2.1 of this policy:

- a) The POA includes name and signature of the principal. E signatures are acceptable except on POA that include a witness signature. If the POA includes a witness signature, all signatures on the POA must be handwritten signatures. "E-signatures" on witnessed POA shall not be accepted.
- b) The Agent must write "P.O.A." next to their signature on all forms and documents that require a signature.
- c) Any LPOA must grant authority over vehicle Title and Registration transactions.

2.3 RMV Form "Vehicle Owner's Limited Power of Attorney" (TTLREG109)

RMV Form "Vehicle Owner's Limited Power of Attorney" (TTLREG109) may be used for LPOA, although free-form POA are also acceptable. In addition to the requirements outlined in section 2.1 of the policy, the form shall meet all of the following requirements:

- a) All applicable sections of the LPOA Form must be completed prior to being signed by the Principal, Agent and witness(es). Under no circumstances should the Principal, Agent, or Witness(es) sign the LPOA until all required fields have been completed in their entirety. The RMV shall reject any LPOA form that has had any portion filled out after it has already been signed.
- b) The LPOA form may be completed in ink or typed as a fillable form. The LPOA Form is organized into four (4) sections:

1. **Vehicle Owner(s)**

The **Vehicle Owner(s)** section reflects the name of the individual(s) or company that owns the vehicle (the principal). This section shall match the names as presented on the current registration or title record exactly. The addresses for the owners shall be either the individual's residential addresses as currently recorded on their driver's license or the corporate home address of the company that owns the motor vehicle. All fields for each applicable owner are mandatory.

2. **Limited Power of Attorney Granted to:**

The Limited **Power of Attorney Granted to** section reflects the name, address, and driver license number/state of the individual the Power of Attorney is granted to, the Agent. The Agent's name and address shall match the name on their driver's license exactly. If the Agent is acting on behalf of their employer, the employer's name and address and the Agent's position title shall be entered in the Agent for: Name and Address fields.

3. **Vehicle Information**

The **Vehicle Information** section describes the vehicle and must match what is on the current title or registration record. If the vehicle does not have a title number (typically a trailer that weighs less than 3,000 lbs. or a moped), the Title Number and State fields may be left blank.

4. **Certification and Signature**

The **Certification and Signature** section requires the principal's signature, the Agent's (with the notation of "POA" after the signature), and a witness's signature for **each owner's** signature. All signatures must be handwritten.