



**INFORMATION NOTICE**

**DIVISION OF MOTORIST SERVICES**

<b>DATE: 3/27/2020</b>	<b>Information Notice INFO20-013</b>
<b>SUBJECT: Insurance Company’s Use of Electronic Signature in Connection with Odometer Disclosure or Declaration</b>	

**Overview:**

Effective March 27, 2020, the department will begin accepting electronically signed versions of HSMV 82040 (Title Application), HSMV 82993 (Odometer Disclosure Statement), HSMV 82994 (Motor Vehicle Reassignment Supplement) and HSMV 82995 (Motor Vehicle Power of Attorney/Odometer Disclosure) forms used to make odometer disclosures submitted by insurance companies in connection with total loss transactions pursuant to section 319.30, F.S. The electronic signatures must be obtained in accordance with requirements set forth by National Highway Traffic Safety Administration Rule 49 CFR 580 for assurance Level 2.

Information notices INFO19-013 and INFO19-014 are withdrawn. Any insurance company that was approved to use e-signature with total loss transactions must now use the guidelines within this information notice and incorporate the designated departmental forms into their electronic signature solution.

**Details:**

**Requirements**

Insurance companies must use an electronic signature solution that allows the odometer disclosure forms to be signed via a signing device, such as a signature pad, or signed through a compliant process using email. The electronic signature process must use an identity proofing/authentication protocol or methodology to determine the identity of the signer (shared secret, secure token, other credentials, etc.) which meets the National Institute of Standards and Technology assurance level 2.

Insurance companies must submit an electronic signature certification page along with the forms and other total loss transaction documents. The Insurance companies must maintain

records related to the signature authentication, including identity-proofing requirements, for the forms submitted to the department for the normal document retention period.

### **Forms**

The department recommends the insurance companies duplicate the department's forms. The electronic signature should be placed on the signature block of the forms. If using the department's Electronic Filing System (EFS), the electronically signed forms, along with the signature certification and attestation can be uploaded into EFS. For title transactions processed over the counter, the electronically signed forms, signature certification, and attestation can be converted into the paper and submitted to the tag office.

### **Signature Certification (Audit Trail)**

For each application for a certificate of title involving an electronically signed odometer disclosure statement, insurance companies must provide documentation to show the history, activity, and other identifying information such as location, internet protocol address or timestamps sufficient to create an audit trail if the signature is later repudiated. (For example, if you are using a DocuSign product, submit the Certificate of Completion.)

### **Attestation**

An attestation statement on the insurance companies' letterhead must accompany the transaction documents and it must include this verbiage:

*[insurance company] attests that the electronic signature(s) on the odometer disclosure documents meet the requirements set forth by National Highway Traffic Safety Administration Rule 49 CFR 580 for assurance Level 2.*

### **Conclusion:**

If you have any questions, please contact Mike McGlockton at 850-617-3001, or send an e-mail to [BIO-E-Signature@flhsmv.gov](mailto:BIO-E-Signature@flhsmv.gov).