



INFORMATION NOTICE

DIVISION OF MOTORIST SERVICES

DATE: 08/22/23	Information Notice (INFO) INFO 20-019
SUBJECT: UPDATE – Use of Electronic Signature in Connection with Odometer Disclosure or Declaration	

Overview:

Effective May 1, 2020, the Florida Department of Highway Safety and Motor Vehicles (FLHSMV) began accepting electronically signed versions of HSMV 82040 (Title Application), HSMV 82101 (Duplicate 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 dealers and manufacturers. 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.

Update: In addition to currently accepted forms, FLHSMV will be accepting electronically signed versions of the following forms:

- Power of Attorney, HSMV 82053
- New versions of the Title Application, formerly HSMV 82040:
 - Title Application for Motor Vehicle, HSMV 82040-MV
 - Title Application for Mobile Home, HSMV 82040-MH
 - Title Application for Vessel, HSMV 82040-VS

Details:

The requirements for acceptance of electronic signatures in connection with odometer disclosure or declaration are as follows:

Electronic Signature Solution

Dealers and manufacturers 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 (shared secret, secure token, other credentials, etc.) to determine the identity of the signer, and meet the National Institute of Standards and Technology (NIST) assurance level 2.

Dealers and manufacturers must submit an electronic signature certification page along with the forms and other transaction documents. The dealer or manufacturer must maintain records related to the signature authentication, including identity-proofing requirements, for the forms submitted to FLHSMV for the normal document retention period.

Forms

FLHSMV recommends dealers, manufacturers, or their vendors duplicate the department's forms. The electronic signature should be placed on the signature block of the forms. If using FLHSMV's Electronic Filing System, 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 to 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, dealers or manufacturers 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 dealer's or manufacturer's letterhead must accompany the transaction documents and should include the below verbiage:

[Dealer/Manufacturer] 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 need additional information, please contact the Bureau of Issuance Oversight at 850-617-3001, or send an email to BIO-E-Signature@flhsmv.gov.