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## National Council of Insurance Legislators (NCOIL)

### E-Titling Model Act

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*\*Sponsored by Del. Steve Westfall (WV)*

*\*Adopted by the Financial Services & Multi Lines Issues Committee and Executive Committee on March 8, 2020.*

#### **Section 1. Title**

This Act shall be known as the [State] E-Titling Model Act.

#### **Section 2. Purpose**

The purpose of this Act is create efficiency, accuracy and accountability in the titling process.

#### **Section 3. E-Titling Process**

The Department of Motor Vehicles, or appropriate State Agency, shall develop or utilize an existing electronic vehicle titling system to process motor vehicle title transactions, including, without exception, salvage, junk and/or non-repairable titles. The system shall allow for the use of electronic signature and provide for the submission of all required and/or associated documents by electronic means.

- (a) The use of an electronic signature in association with any title transaction satisfies any signature required under law, except that an electronic signature on an odometer disclosure by or on behalf of an insurance company must utilize a secure authentication system identifying a specific individual with a degree of certainty equivalent to Level 2 as described in NIST Special Publication 800-63-3, Revision 3, *Digital Identity Guidelines*, June 2017.
- (b) Notarization is not required for any power-of-attorney form or any other form submitted in association with either a title application or odometer disclosure pursuant to subsection (a).

- (c) The use of electronic signature pursuant to subsection (a) is not contingent upon the establishment or existence of an electronic vehicle titling system.
- (d) The Department of Motor Vehicles, or appropriate State Agency, shall provide for third-party real-time, single inquiry access to the electronic vehicle titling system so as to facilitate access to title information.

**Section 4. Rules**

The [head of the appropriate state agency] shall have the authority to promulgate rules to implement the provisions of this Act.

**Section 5. Effective Date**

This Act shall take effect \_\_\_\_\_.