

Florida

Department of Highway Safety and Motor Vehicles

Division of Motorist Services

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| PROCEDURE | SUBJECT: |
| TL-01 | SIGNATURE REQUIREMENTS |
| DESCRIPTION AND USE: | |
| <p>THIS PROCEDURE PROVIDES INFORMATION AND INSTRUCTIONS TO ASSIST TAX COLLECTOR EMPLOYEES, LICENSE PLATE AGENCY EMPLOYEES, AND THE DEPARTMENT OF HIGHWAY SAFETY AND MOTOR VEHICLES IN ESTABLISHING SUFFICIENT SIGNATURE REQUIREMENTS FOR CERTIFICATE OF TITLE AND REGISTRATION PURPOSES.</p> | |
| <p>I. PROVISIONS OF LAW:</p> <p>Section 319.22(2)(a)1 a, Florida Statutes, provides that when a motor vehicle or mobile home is registered in the names of two or more persons as co-owners and the names are joined by the word "or," such vehicle shall be held in joint tenancy. It is legally presumed that each owner has granted to the other co-owner the authority to dispose of all interest in the motor vehicle or mobile home and the signature of any co-owner on the certificate of title shall constitute proper endorsement for transfer to another person or persons. Upon the death of a co-owner, the interest of the decedent shall pass to the survivor as though title or interest in the vehicle or mobile home was held in joint tenancy. This provision shall apply even if the co-owners are husband and wife.</p> <p>Section 328.01(3)(d)2 a, Florida Statutes, provides that "proper endorsement" means the signature of one of the co-owners when the vessel is held in joint tenancy, signified by the vessel being registered in the names of two or more persons as co-owners in the alternative by the use of the word "or." In a joint tenancy, each co-owner is considered to have granted to each of the other co-owners the absolute right to dispose of the title and interest in the vessel, and, upon the death of a co-owner, the interest of the decedent in the jointly held vessel passes to the surviving co-owner or co-owners. This subparagraph is applicable even if the co-owners are husband and wife.</p> <p>Section 319.22(2)(a)1 b, Florida Statutes, provides that when a vehicle or mobile home is registered in the names of two or more persons as co-owners and the names are joined by the word "and," the signature of each co-owner or their personal representative shall be required to transfer the certificate of title to the vehicle or mobile home.</p> <p>Section 328.01(3)(d)2 b, Florida Statutes, provides for the signatures of every co-owner or of the respective personal representatives of the co-owners, if the vessel is registered in the names of two or more persons as co-owners in the conjunctive by the use of the word "and."</p> | |
| <i>Revision(s) to this Procedure: Corrected information on page 3.</i> | |
| EFFECTIVE DATE | REVISION DATE |
| Immediately | 07/06/15 |

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Section 319.23(9), Florida Statutes, provides in part, that the title certificate or application for title must contain the applicant's full first name, middle initial, last name, date of birth, sex, and the license plate number. An individual applicant must provide a valid driver license or identification card issued by Florida or another state, or a valid passport.

A business applicant must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number. In lieu of the license plate number, the individual or business applicant must provide an affidavit certifying that the motor vehicle to be titled will not be operated upon the public highways of this state.

Section 328.01(1)(a), Florida Statutes, provides that the application shall include the true name of the owner, the residence or business address of the owner, and the complete description of the vessel, including the hull identification number. The application shall be signed by the owner and shall be accompanied by personal or business identification and the prescribed fee. An individual applicant must provide a valid driver license or identification card issued by this state or another state or a valid passport. A business applicant must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number.

II. SPECIAL INSTRUCTIONS:

A. If the conjunction between the names is "OR."

- Original application for title —requires all applicant(s) signatures.
- Duplicate title application—requires only one titled owner's signature.
- HSMV Forms (other than original application for title)—requires only one titled owners' signature.
- Transferring ownership to a new purchaser—requires only one title owner's signature to transfer.

B. If the conjunction between the names are "AND."

- Original application for title —requires all applicant(s) signatures.
- Duplicate title application—requires all titled owners' signatures.
- HSMV Forms—requires all titled owners' signatures.
- Transferring ownership to a new purchaser—requires all titled owners' signatures.

C. Proof of identity must be requested from the customer at the time of application for title.

NOTE: A copy of the proof must be submitted with the application for title unless the proof is a Florida driver license or identification card.

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| <p>D. Any officer/agent of a corporation/company signing required documentation for the business should specify their "official title" on the paperwork. Proof that the officer/agent is authorized to sign for the business can be verified at the following web address: http://www.sunbiz.org/search.html.</p> <p>If proof cannot be obtained through the above web address, a letter on original business letterhead stating that the person signing the application is authorized to do so and be signed by an officer of the business who is someone other than the person signing the application.</p> <p>NOTE: This does not apply to motor vehicle or vessel dealers.</p> <p>E. Name Change:</p> <p>When a person changes his/her name (i.e., marriage, divorce, or court order) on their Florida driver license or identification card, the updated information will reflect in FRVIS when a transaction is processed (renewal, etc.), if the DL or identification card is associated with the record.</p> <p>Even though a person's Florida paper title may be in their old name, FRVIS will reflect the updated information. Therefore, when the owner renews their registration or applies for a duplicate title, it will print with the new name. However, if the owner chooses to physically change the name on the paper title, they must submit the title along with an affidavit stating they want the title to reflect their new name. This serves as backup documentation for issuing the title in the new name. The transaction will be processed as a <u>modify title</u> and fees will apply.</p> <p>The same information applies to out of state titles. If a customer comes in with an out of state title in their old name (no one being added or deleted) and provides proof of the name change, the same affidavit would suffice for backup documentation for titling in the new name.</p> <p>NOTE: A customer may choose to complete the title for transfer to their new name in lieu of submitting the affidavit.</p> <p>F. Owner's full first name, middle or maiden name and last name must be shown on the Florida Certificate of Title or the application for a certificate of title.</p> <p>NOTE: The name on the application should be shown exactly as the name appears on the driver license or identification card issued by Florida or another state. If the applicant is a business, the name on the application should be shown exactly as it appears on the corporate charter and the FEID number should be submitted if applicable. Otherwise, verification that the business is authorized to conduct business in Florida or a Florida city or county business license or number should be submitted.</p> | |
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III. MISCELLANEOUS INFORMATION:

A. Computer generated, laser printed or original stamped signatures of the owner or co-owner are acceptable on applications for title, affidavits, etc., however, they are not acceptable when an odometer disclosure is required. The Code of Federal Regulations, 49 CFR s. 580.5(c), requires that a transferor of a motor vehicle provide an odometer disclosure statement, which must be "signed by the transferor, including the printed name." Similarly, 49 CFR s. 580.5(f) requires that the transferee must "sign the disclosure statement and print their name." In accordance with these provisions, buyers and sellers must actually sign and print their names when completing odometer disclosure statements.

EXCEPTION: Any Manufacturer's Certificate of Origin (new vehicle) submitted with computer generated/laser printed or original stamped signatures in the odometer disclosure area, is acceptable.

NOTE: Do NOT reject the documentation if the "printed name" is not hand written (Example: typed, stamped, etc.). However, the documentation must be rejected if the "printed name" is left blank.

B. The signature of an applicant or a person appointed "attorney in fact" is acceptable on any HSMV form or other document in a title transaction. Notarization requirements must be followed if the HSMV form or other document provides for notarization. If someone else has signed for the applicant, a fully completed and executed power of attorney or a certified copy of the power of attorney (form HSMV 82053, general or durable) must accompany the application. The form HSMV 82995, Motor Vehicle Power of Attorney/Odometer Disclosure, MUST be the ORIGINAL, as a certified copy is not acceptable.

C. A signature may be printed or indicated in a manner other than manually or printed, such as an "X."

D. What is considered acceptable proof of identification and when must this proof be submitted to the department?

The following is considered acceptable proof of identification:

1. A valid driver license or identification card issued by Florida or another state. (This includes any U.S. territory such as American Samoa, Guam, Marianas, Puerto Rico and US Virgin Islands.)
2. A valid passport or passport card, which does not have to be issued by the United States. (Example: Great Britain passport).
3. A valid Canadian driver license, identification card, passport, or passport card.

A copy of the proof of identification is required to be submitted with the paperwork to the department unless the proof submitted is a Florida driver license or identification card.

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- E. Are Florida dealers required to submit a copy of their customer's identification?
- If the dealer's work includes a completed form HSMV 82040, which includes their customer's Florida driver license number or ID number, the paperwork should be accepted without a copy of the customer's driver license or ID card.
- However, if their customer's proof of identification is something other than a Florida DL or ID card, the dealer must submit a copy of this proof with their customer's paperwork.
- F. Could we accept an expired driver license or an expired US/out of country passport as proof of identification?
- NO.
- G. Should we require documentation to prove that a business is valid and should a copy of this proof be submitted to the department?
- You should request documentation to prove the validity of a business, such as copies of governmentally filed FEID documents, fictitious name documents, corporation papers, "Certificate of Status" from the Department of State, etc. However, this proof would not be required to be submitted to the department. When the applicant is a business, it must provide a federal employer identification number, if applicable, verification that the business is authorized to conduct business in the state, or a Florida city or county business license or number.
- Visit the Department of State's website to search for Florida companies, corporations, etc. <http://www.sunbiz.org/search.html>.
- H. When a customer is currently in the FRVIS database with a customer number (no DL or ID #) and they purchase an additional/replacement car or mobile home, will we require a DL or ID card to be issued to them?
- All customers applying for title or registration must have some proof of ID. If they are a Florida resident, they will need to apply for a Florida driver license or ID card. If they are from another country or state, they must submit acceptable proof of identification (see III, D, of this procedure).
- I. An Out-of-State Title Transfer Signature Requirement Chart is attached to this procedure as Exhibit A.
- J. What form of identification is acceptable for a child under the age of 5?
- A copy of the Birth Certificate would be acceptable.

EXHIBIT A
Out-of-State Title Transfer Signature Requirements

| TITLE JOINED BY: | AND | OR | AND/OR |
|-------------------------|------------------------------|------------------------------|------------------------------|
| ALABAMA | All signatures required | One signature required | One signature required |
| ALASKA | All signatures required | One signature required | NA |
| ARIZONA | All signatures required | One signature required* | All signatures required |
| ARKANSAS | All signatures required | One signature required | All signatures required |
| CALIFORNIA | All signatures required | One signature required | NA |
| COLORADO | All signatures required | NA | NA |
| CONNECTICUT | All signatures required | One signature required | NA |
| DELAWARE | All signatures required | NA | One signature required |
| DISTRICT OF COLUMBIA | All signatures required | NA | NA |
| GEORGIA | All signatures required **** | NA | NA |
| HAWAII | All signatures required | NA | NA |
| IDAHO | All signatures required | One signature required | NA |
| ILLINOIS | All signatures required | NA | NA |
| INDIANA | All signatures required | NA | NA |
| IOWA | All signatures required | One signature required | All signatures required |
| KANSAS | All signatures required | One signature required | One signature required |
| KENTUCKY | All signatures required | NA | NA |
| LOUISIANA | All signatures required | NA | NA |
| MAINE | All signatures required | NA | NA |
| MARYLAND | All signatures required **** | NA | NA |
| MASSACHUSETTS | All signatures required **** | NA | NA |
| MICHIGAN | All signatures required | NA | NA |
| MINNESOTA | All signatures required **** | NA | NA |
| MISSISSIPPI | All signatures required | NA | NA |
| MISSOURI | All signatures required | NA | NA |
| MONTANA | All signatures required **** | NA | NA |
| NEBRASKA | All signatures required | NA | NA |
| NEVADA | All signatures required | One signature required | One signature required |
| NEW HAMPSHIRE | All signatures required | One signature required | NA |
| NEW JERSEY | All signatures required **** | NA | NA |
| NEW MEXICO | All signatures required | One signature required | All signatures required |
| NEW YORK | One signature required | NA | NA |
| NORTH CAROLINA | All signatures required | NA | NA |
| NORTH DAKOTA | All signatures required | One signature required | NA |
| OHIO | All signatures required | NA | NA |
| OKLAHOMA | All signatures required | One signature required | One signature required |
| OREGON | All signatures required **** | NA | NA |
| PENNSYLVANIA | All signatures required | NA | NA |
| RHODE ISLAND | All signatures required | One signature required | One signature required |
| SOUTH CAROLINA | All signatures required | One signature required | NA |
| SOUTH DAKOTA | All signatures required | One signature required | NA |
| TENNESSEE | All signatures required | One signature required | NA |
| TEXAS | All signatures required | NA | NA |
| UTAH | All signatures required | One signature required | NA |
| VERMONT | All signatures required | One signature required | All signatures required |
| VIRGINIA | All signatures required **** | NA | NA |
| WASHINGTON | **** | NA | NA |
| WEST VIRGINIA | All signatures required | One signature required | One signature required |
| WISCONSIN | All signatures required | One signature required | NA |
| WYOMING | All signatures required **** | All signatures required **** | All signatures required **** |

NA - Not applicable

* All owners must sign an official form authorizing either party to transfer the motor vehicle with one signature alone.

** Owner's names joined by the figure "/", indicates the conjunction "and" and requires all signatures.

*** A message is printed on the title which indicates the ownership is either joint/not joint. If it is "joint" ownership, all signatures are required.

**** All signatures required when multiple names are shown on title and there is no indicator.