

GUIDANCE FOR VEHICLE TRANSACTIONS DURING THE COVID-19 DISASTER EMERGENCY TO ENSURE THE SAFETY AND HEALTH OF EMPLOYEES AND THE PUBLIC

INTENT

Under the Governor's and Secretary of Health's orders regarding the "Closure of All Businesses That Are Not Life Sustaining," amended as of April 20, 2020, online vehicle sales are authorized to commence statewide in accordance with this guidance.

Automobile and other motor vehicle dealers were not permitted to continue physical operations under the Governor's and Secretary of Health's March 19, 2020, [Business Closure Orders](#). Dealers generally could not complete "online" or internet-based sales as the vehicle buying process traditionally requires certain in-person interactions, often with multiple individuals and live notarization.

Senate Bill [841](#), which was signed into law by the Governor on April 20, 2020, allows for, among other things, remote notarization. Additionally, the administration recently [updated its guidance](#) regarding notaries to clarify that notaries who offer services in a business location that is authorized to maintain in-person operations under [closure orders](#) (such as banks and other depository financial institutions) may continue to offer in-person services at those locations.

The legalization of remote notarization along with a recognition that many notaries can continue physical operations will allow certain licensed dealers the latitude to conduct virtual vehicle sales that comport with Pennsylvania's COVID-19 mitigation efforts.

BUSINESSES SUBJECT TO THIS GUIDANCE

Motor vehicle dealers with a valid, current license from the Pennsylvania Department of State's Board of Vehicle Manufacturers, Dealers, and Salespersons who participate in the Pennsylvania Department of Transportation's Online Registration Program (OLRP).

PROCESS

It is the policy of the Administration to ensure that all businesses subject to this guidance conduct operations in the manner best designed to prevent or mitigate the spread of COVID-19 and ensure the safety of the employers, employees and the public whom they serve or work alongside.

CUSTOMER-FACING EXPERIENCE

All dealers authorized to operate under this guidance should complete all elements of the vehicle transaction as follows:

- Dealers should direct customers to shop online at dealer websites and contact the dealer electronically (by phone, email, text message, etc.). All transaction terms

must be discussed and agreed-to between the dealer and customer electronically. No in-person viewing of vehicles is authorized under this guidance.

- If financing is required, electronic application for financing should be made by the customer directly to the financial institution or electronically through the dealer.
- [Insurance verification](#) and coverage must also be done electronically.
- The dealer must prepare all necessary transaction documents (including any trade-in related documents) and send them to the customer electronically or by mail.
 - The dealer should email or mail a limited power of attorney to the customer and, either through remote notarization or working with a notary authorized to continue in-person operations, notarize the customer's signature.
 - The dealer would then use the limited power of attorney to execute documents on behalf of the customer as permitted.
 - Remote notarization or a notary authorized to continue in-person operations should then be used to complete the assignment of the title. The dealer should overnight mail the MCO/Title to the customer, who should use remote notarization or utilize a notary authorized to continue physical operations when signing the odometer disclosure section. The document is then sent back to the dealer.
 - **IMPORTANT:** While the above described process may vary given situational differences from transaction to transaction, most transactions should follow this model. Moreover, it is imperative that dealers follow these steps to eliminate all in-person contact with the customer in the transaction prior to vehicle handoff.
- The dealer and customer should schedule an appointment for one customer at a time to pick up the purchased vehicle, and drop off any trade-in. The vehicle handoff should be limited to the least number of people required to complete the transaction.
 - Dealers may also schedule a drop off at the buyer's location.
 - The dealer will conduct all deliveries and interactions either outside physical buildings, in a service bay cleaned according to guidelines from the Pennsylvania Department of Health (DOH) or the Centers for Disease Control and Prevention (CDC), or in a designated room cleaned according to DOH/CDC guidelines. To the extent that there is a conflict in cleaning guidance, dealers should follow the most recent DOH order or guidance.
 - All authorized dealers must adhere to the [Guidance For Businesses Permitted To Operate During The Covid-19 Disaster Emergency To Ensure The Safety And Health Of Employees And The Public](#) during any vehicle transfer process.

SPECIFIC INFORMATION FOR AUTHORIZED DEALERS

To effectuate virtual vehicle sales, the dealer will function as both the *seller* and the *agent*. As the seller, the dealer sells the vehicle, discloses the odometer information, and signs as seller. As the agent, an authorized employee of the dealer usually called the title clerk completes the motor vehicle paperwork on behalf of PennDOT and also notarizes or verifies, in lieu of notarization, the seller's and buyer's signatures.

PennDOT has identified the following best practice steps for dealers to complete virtual vehicle sales:

- **Pre-Verification**
 - Identification: Agent must validate the identity of the seller and buyer. For the buyer, [the only acceptable proof of identification for the purposes of titling and registering a vehicle in Pennsylvania are](#):
 - a valid Pennsylvania Photo Driver's License;
 - a valid Pennsylvania Photo Identification Card;
 - a valid Pennsylvania Photo Exempt Driver's License;
 - a valid Pennsylvania Photo Exempt Identification Card; or
 - a valid U.S. Armed Forces Common Access Card.
 - While identification can be pre-verified via virtual methods and a copy should be provided by the buyer, seller should verify identification documents during the vehicle transfer process.
 - The seller needs to have a government-issued photo identification.
 - Note: Individuals negotiating a transaction with virtual buyers must be able to present proof of affiliation with the authorized dealer.
 - Insurance: Agent must validate the buyer has current vehicle liability insurance.
- **Transfer of Ownership:**
 - Agent completes transfer of ownership on the proof of ownership document - Title or Manufacturer Certificate/Statement of Origin (MCO or MSO) - by recording the buyer's name and address in the appropriate spaces.
 - Agent records [odometer information](#) as disclosed by the seller in the appropriate space.
 - Seller handprints their name and then signs in the appropriate space.
 - Seller's signature can be acknowledged in the appropriate space via remote notarization, by a notary authorized to continue physical operations or agent can [verify in lieu of notarization if applicable](#).
 - Seller transmits all documents requiring buyer's wet signature, if necessary, to buyer.
 - Buyer handprints name and signs in appropriate space in presence of remote notary or a notary authorized to continue physical operations.
 - Buyer returns document to seller.
 - Alternatively, if buyer has executed proper limited or secure power of attorney such that it would allow the dealer to affix all necessary signatures to all document, no document transfer is necessary.
 - Please note that this process must produce a physical [odometer disclosure](#) document as per 75 Pa. C.S. §§ 7134, 7135.

- **Other Processes:**

- For dealers participating in the OLRP, PennDOT authorized agents for titling are still required to comply with their Agent Services Contract and the Online Registration Program requirements. This includes the completion of the transfer of ownership on the proof of ownership document, the title application process, and the submission of the title application.

QUESTIONS AND FURTHER GUIDANCE

Businesses that have questions about remote notarization should review the Department of State's [Electronic/Remote Notarization webpage](#). Businesses that have questions about vehicle title issues should review the Department of Transportation's [Buying or Selling A Vehicle webpage](#).

ENFORCEMENT

Enforcement actions will be taken against motor vehicle dealers that are not in compliance with the Governor's and Secretary of Health's orders regarding the "Closure of All Businesses That Are Not Life Sustaining Orders," as amended, or not in compliance with this guidance.

ADDITIONAL INFORMATION

For the most up-to-date, reliable information, please continue to refer to the Commonwealth of Pennsylvania's website for Responding to COVID-19 in Pennsylvania:
<https://www.pa.gov/guides/responding-to-covid-19/>.