

Background Document: New York Electronic Signatures

Currently, the New York State Department of Motor Vehicles (DMV) does not allow for electronic or digital signatures through platforms, such as DocuSign; however, their policy does allow for “A signature using a stylus or a fingertip on a tablet, iPad or similar device to place a signature on a document that is then printed with the stylus or fingertip image of the signature.” While this policy (in practice) allows for an electronically captured, handwritten signature, the DMV has indicated this is allowed because it is viewed as being captured “in-person” whereas platforms, such as DocuSign, suggest the signature was captured remotely. Further, the policy expressly states “e-signatures are not allowed” which inherently is a bit of a contradiction within the policy (at least with respect to standard nomenclature).

Carvana is pursuing this language, and has had discussions with the DMV, which broadly stated that e-signatures were the direction they wanted to move. Other stakeholder engagement has occurred, including with the dealer associations and other industry peers, and there appears to be broad support.

Assembly Bill 4066 and Senate Bill 2107 aim to:

- Allow e-signatures on title and registration documents, and require the DMV to accept them;
- Allow the use of commercially available e-signature product while not preventing the DMV from also offering its own e-signature platform or service;
- Resolve a conflict with the state’s version of the E-sign Act that has been interpreted to prevent allowance of e-signatures on power of attorney documents; and
- Provide all of the standard e-signature benefits (see the ESRA Model Language: Summary Document for deeper context).

NOTE: This language is a refile of AB 10076 and SB 9561 from the last legislative session.

Additional Resources:

- [Assembly Bill 4066 Language](#)
- [Senate Bill 2107 Language](#)
- [ESRA Model Language: Summary Document](#) (provided by Carvana)
- [E-Signatures: A Basic Introduction](#) (provided by Carvana)
- [E-Signatures on Title and Registration Documents](#) (provided by Carvana)

Current New York Document Signatures Policy

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DOCUMENT SIGNATURES

Listed below are the types of signatures that are permitted when accepting many of the DMV specific applications or forms (e.g., Application for Permit, Driver License or Non-Driver ID Card (MV-44), Vehicle Registration/Title Application (MV-82), etc.). These signatures are not considered e-signatures, so can be accepted.

- An original DMV document signed by the customer with a pen (wet signature)
- A scanned copy of an original DMV document signed by the customer with a pen¹
- A signature using a stylus or a fingertip on a tablet, iPad or similar device to place a signature on a document that is then printed with the stylus or fingertip image of the signature¹
- A rubber-stamped signature¹

¹Note: This does not apply to any document considered to be a title or ownership proof. These ownership documents will always need to be the original document and contain a wet ink signature/stamped signature. A scanned copy of the document is not allowed. This exclusion includes the Certificate of Title (MV-999), Garageperson's Affirmation and Bill of Sale (MV-901B), Affirmation of Repossession and Bill of Sale (MV-950), Transferable Registration document, Certification of Sale or Transfer for 1972 or Older Vehicles or Any Other Non-Titled Vehicles (MV-51), and Statement of Ownership for Non-Titled Vehicles, Boats, Snowmobiles and All-Terrain Vehicles (MV-51B).

As a reminder, electronic signatures (e.g. DocuSign, Adobe Acrobat Sign, HelloSign, PandaDoc, etc.) are not allowed on DMV-specific documents and forms (e.g., title documents, Application for Permit, Driver License or Non-Driver ID Card (MV-44), Vehicle Registration/Title Application (MV-82), etc.). See DocuSign example below.



This prohibition of electronic signatures pertains only to DMV-specific documents or forms. Certain non-DMV proofing documents (such as a lease/rental agreement, bills of sale, purchase agreements) containing an electronic signature are acceptable when presented by a customer as part of a transaction. However, an electronic signature is not acceptable on a Power of Attorney form that is executed in New York, or for a notarization performed in New York.

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