

SECURE POWER OF ATTORNEY

REVISED APRIL 1, 2010

(Revisions will be in bold italic type.)

WHERE CAN THE SECURE POWER OF ATTORNEY FORMS BE OBTAINED

As of April 1, 2010, only secure power of attorney forms obtained from the Kansas Automobile Dealers Association (KADA) in Topeka, KS will be accepted by the Kansas Division of Vehicles (division). The secure power of attorney is a controlled form which the division has an agreement with KADA to distribute. No other sources of Kansas Secure Power of Attorney are valid.

On April 1, 2010, the Kansas Secure Power of Attorney was revised. Any procedure revisions are denoted in this document. As for the physical appearance changes, they are:

- *The Kansas DMV logo appears as a watermark in the middle of each page of the form.*
- *Under the "WARNING" at the top of the page, reference to paperless/eTitle was added.*
- *At the bottom of the page in red ink, there is a statement concerning this is a controlled form and it cannot be copied or reproduced in any fashion.*
- *The new form is 4 part instead of 5 part. (The original Secure Power of Attorney had 5 parts.)*

WHAT IS A SECURE POWER OF ATTORNEY AND WHEN IS IT NEEDED

A Secure Power of Attorney is a form that is printed with security features that is controlled by sequential numbering and has three sections. The reason for all of these details is this form is not only used to appoint someone as power of attorney, it is the form the odometer disclosure statement between the buyer and seller. Federal law prohibits the same person to act as both buyer and seller with regards to the odometer disclosure.

This form is used when the vehicle being traded in or sold to the dealership requires an odometer disclosure statement (ODS) and the title is being held by the lien holder, ***or is a paperless title (title will not be issued by the state until all liens are released)***, or if the owner has lost their title and a duplicate will need to be applied for and issued. An ODS is required when the vehicle is an auto or light truck (registered for 16,000 pounds or less) and is 10 years old or less.

This form is not required as long as the customer will return to the dealership to assign the vehicle title over to the dealership. However, with the State of Kansas becoming a paperless title state in 2003, the use of this form will become more common place.

VEHICLE DESCRIPTION

This field is located at the top of the form and must be completed in its entirety.

TRANSFEROR'S POWER OF ATTORNEY TO DISCLOSE MILEAGE- SECTION A

This section must be completed when the transferor (individual or business listed on the front of the title as owner) is appointing the transferee (dealership taking the vehicle in as trade or purchase) as their attorney-in-fact for the purpose of recording the mileage reported on the secure power of attorney onto transferor's title and to assign the title to the transferee/dealership.

The transferor/owner on the face of the title is to complete all the information in section "A" except for the transferee's information at the bottom of this section.

An authorized agent of the dealership is to sign and hand print their personal name as the transferee's signature and printed name. The dealership's name and address is to be entered next to the transferee's dealership name and business street address, city, state and zip.

The ~~goldenrod copy~~ **blue copy (page 4)** of the form is to be given to the transferor/owner on the face of the title after all parties have completed section "A".

TRANSFEREE'S POWER OF ATTORNEY TO REVIEW TITLE DOCUMENTS AND ACKNOWLEDGE DISCLOSURE - SECTION B

Section "A" must have been completed before Section "B" can be used.

Section "B" is used when the vehicle has been sold before the title has been received from the lien holder **or the lien release title is received from the state** or the duplicate title has been received from the state.

In Section "B" the transferee will be the buyer/customer and the transferor will be the seller/dealership. The transferee/buyer must complete the top portion of this section. The transferor/dealership will complete the bottom portion of this section. Preferably, the same authorized agent of the dealership that signed and hand printed their personal name as the transferee's signature and printed name under section "A" will do the same in section "B". However, as long as the person that signs and hand prints their name is an authorized agent for the dealership, it could be a different person.

The yellow copy (**page 3**) of the form is to be given to the transferee/customer after all parties have completed section "B".

CERTIFICATION - SECTION C

Section "A" and "B" must have been completed before Section "C" is to be used.

The dealership completes section "C" when the title has been received and the dealership is certifying that the mileage stated on the secure power of attorney is greater than that listed on the title and the mileage status follows the proper order of progression.

IF THE MILEAGE AND/OR THE MILEAGE STATUS STATED ON THE SECURE POWER OF ATTORNEY IS IN CONFLICT WITH THE MILEAGE AND/OR THE MILEAGE STATUS LISTED ON THE TITLE, THE SECURE POWER OF ATTORNEY IS VOID.

The phrase "in conflict" means the mileage itself is a lower number on the secure power of attorney than the face of the title. The mileage status has a progression, or an order, that must be followed. If the mileage status does not follow this progression, then it would be "in conflict".

The order of progression is:

1. Actual can stay actual or, change to exceeds mechanical limits (exceeds) or not actual.
2. Exceeds can stay exceeds or change to not actual. The mileage status cannot be declared as actual after exceeds has been declared.
3. Not Actual MUST stay as not actual. The mileage status cannot be declared as actual or exceeds after not actual has been declared.

DISTRIBUTION OF COPIES

~~➤ The original or top copy of the secure power of attorney is to be submitted to the Titles and Registrations Bureau with a copy of the front and back of the title assigned using the secure power of attorney. Mail to: Kansas Department of Revenue, Titles and Registrations Bureau, Docking State Office Building, Topeka, Kansas 66626-0001.~~

No copy or page of the new 4 part Secure Power of Attorney is to be sent to the Kansas Division of Vehicles.

~~➤ The second copy, which is also a secure copy, is to be attached to the actual title and given to the new buyer.~~

The top or original copy (white copy, page 1) of the secure power of attorney must be attached to the assigned title and given to the new buyer.

- The pink copy (**page 2**), along with a copy of the front and back of the title assigned using the secure power of attorney, is to be retained by the dealership for five (5) years.
- The yellow copy (**page 3**) is to be given to the transferee/customer after all parties have completed section "B". (The ~~goldenrod~~ **blue** copy will have been previously given to the transferor listed in section "A".) If section "B" is not used, the yellow copy may be disregarded.
- The ~~goldenrod~~ **blue** copy (**page 4**) is to be given to the transferor/owner on the face of the title (***the person trading in or sells the vehicle to the dealership***) after all parties have completed section "A".

QUICK REFERENCE GUIDE

Completed section "A" when: Customer trades vehicle in ***or sells the vehicle to the dealership*** and title is held by lien holder ***or is a paperless title*** or, is lost and need to apply for duplicate title.

Completed section "B" when: Section "A" is completed and vehicle is sold but title has not been received from lien holder or not yet issued by state.

Completed section "C" when: Sections "A" and "B" have been completed, the title is received, the dealership compares the mileage and mileage status and the dealership is certifying that everything is in order.

There is a fee for the Secure Power of Attorney and it must be obtained from the Kansas Auto Dealers Associates. The Titles and Registrations Bureau does not have or provide the Secure Power of Attorney.