

STATE OF COLORADO

DIVISION OF MOTOR VEHICLES

Department of Revenue

Title and Registration Sections

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BULLETIN

Date: November 10, 2011

To: Colorado Auto Dealers Association and Colorado Independent Auto Dealers Association

From: Kyle Boyd, Public Relations Manager

Cc: County Clerk and Recorders
Bruce Zuluaf, AID
Maren Rubino, Operations Director

Re: DR2174 Power of Attorney for a Motor Vehicle (Secure POA) - Lien Release and Duplicate Titles

BL11-14

It has recently come to our attention that there are questions as to how the DR2174 should be completed in situations involving Lien Releases and Duplicate Titles.

To comply with the Federal Odometer Law, the date the power of attorney was signed by the seller to the dealership must be prior to a lien release date or duplicate title date.

The date that the person exercises the power of attorney must be the date when the title is physically received and reviewed by the agent. At that time it is the responsibility of the person exercising the power of attorney to ensure that the attestation is acknowledged and signed.

The practice of auto populating the date of the person exercising power of attorney on the DR2174 should be discontinued immediately.

Please see the attached article from the Title and Registration Section monthly newsletter for additional information.

Please contact Kyle Boyd at 303-205-8353 with any questions.

Best Practices

➡ Odometer – Dealers and Dates

Federal Odometer Law places restrictions on dealers using a power of attorney when taking a vehicle in for trade. When an odometer disclosure is involved, dealers acting as both buyer and seller on title assignments can only use a power of attorney for the seller when the lienholder still has the title or when the seller has lost or destroyed their title.

The DR 2174 Power of Attorney for a Motor Vehicle is a secure form that allows the dealer and the seller to disclose the odometer on the form. By using this form, the seller is also authorizing the dealer through power of attorney to act on their behalf to transfer ownership, obtain a duplicate, etc.

When auditing title paperwork involving a dealer utilizing a power of attorney the dates become important. To comply with the Federal Odometer Law, the date the power of attorney was signed by the seller to the dealership (**red box #1 in sample**) must be prior to a lien release date or duplicate title date.

There may be times when an out-of-state title is involved that may not have a lien release date or duplicate title date because of the issuing state's method of releasing liens and printing titles. It is necessary to ensure that the power of attorney date (**red box #1**) is the same as or prior to the out-of-state title print date when there is no lien release or duplicate title notation.

When the date the power of attorney was signed by the seller (**red box #1**) is after the date of the lien release or after the date of duplicate title, the dealer cannot act as the seller's agent for transfer of ownership.

The date that the person exercises the power of attorney (**blue box #2**) must be the date when the title is physically received and reviewed by the agent. At that time it is the responsibility of the person exercising the power of attorney to ensure that the attestation is acknowledged and signed.

Many dealerships will automatically have their customers complete a DR 2174 when trading in their vehicle in case the dealership loses or voids the title. There may be times when a dealer submits a DR 2174 and the seller actually signed off on the title. In this case, the form is not necessary.

RECAP: Dealer using a Power of Attorney for a Seller (customer trading in vehicle)

The date the power of attorney (**red box #1**) was signed by the seller when turning in or trading their vehicle to a dealership must be the same date or prior to the:

- Lien release date
- Duplicate title date
- Title print date on out-of-state titles
- Date that the person exercises the use of the power of attorney acknowledging receipt of the title (**blue box #2**).



Please refer to the Odometer Section in the Title Manual and contact the Title Section at 303-205-5608 with any additional questions.

STATE OF COLORADO			No. 000000
POWER OF ATTORNEY FOR A MOTOR VEHICLE			
ANY ALTERATION OR ERASURE VOIDS THIS POWER OF ATTORNEY			
<p>DR2174 (12/22/09)</p> <ul style="list-style-type: none"> • Colorado licensed motor vehicle dealers shall use this form when the title is physically held by a lienholder or the original title has been lost. • This form may be used by an individual or entity to sign as both the buyer and seller to acknowledge the odometer reading. • This form must be submitted with the title application documents. • Federal and state law requires that you state the mileage in connection with the transfer of ownership. • Failure to complete or providing a false statement may result in fines and/or imprisonment and may make you liable to your transferee pursuant to 49 U.S.C. 32709. 			
VEHICLE IDENTIFICATION NUMBER (VIN)	VEHICLE YEAR	MAKE	BODY TYPE
TRANSFEREE'S (DEALER/BUYER) PRINTED NAME			
TRANSFEREE'S ADDRESS (STREET, CITY, STATE, ZIP)			
ODOMETER DISCLOSURE STATEMENT			
CURRENT ODOMETER READING (NO TENTHS OF MILES)	TO THE BEST OF MY KNOWLEDGE: <input type="checkbox"/> THE ODOMETER READING IS THE ACTUAL MILEAGE OF THE VEHICLE. <input type="checkbox"/> THE ODOMETER READING IS IN EXCESS OF ITS MECHANICAL LIMITS. <input type="checkbox"/> THE ODOMETER READING IS NOT THE ACTUAL MILEAGE - WARNING - ODOMETER DISCREPANCY.		
<i>I, as transferor, appoint the transferee as my attorney-in-fact to disclose the mileage for the vehicle described above, exactly as stated in my disclosure, and to transfer my interest in the vehicle described above. I further certify, under penalty of perjury in the second degree, that the information on this document is true and correct to the best of my knowledge.</i>			
TRANSFEROR'S (SELLER'S) SIGNATURE	#1	TRANSFEROR'S (SELLER'S) HAND PRINTED NAME	
TRANSFEROR'S (SELLER'S) SIGNATURE	DATE	TRANSFEROR'S (SELLER'S) HAND PRINTED NAME	
TRANSFEROR'S ADDRESS (STREET, CITY, STATE, ZIP)			
TRANSFEREE'S (DEALER AGENT/BUYER) SIGNATURE	DATE	TRANSFEREE'S (DEALER AGENT/BUYER) HAND PRINTED NAME	
I CERTIFY UNDER PENALTY OF PERJURY IN THE SECOND DEGREE, THAT I HAVE RECEIVED AND REVIEWED THE TITLE FOR THE VEHICLE DESCRIBED ABOVE AND THAT THERE ARE NO INDICATIONS OF MILEAGE DISCREPANCIES.			
SIGNATURE OF PERSON EXERCISING POWER OF ATTORNEY	#2	HAND PRINTED NAME OF PERSON EXERCISING POWER OF ATTORNEY	
ADDRESS (STREET, CITY, STATE, ZIP) OF PERSON EXERCISING POWER OF ATTORNEY			
WITH TITLE			