

## BUREAU OF MOTOR VEHICLES

**Chapter X: RULES GOVERNING THE ELECTRONIC LIEN TITLING PROGRAM (ELT)**

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**Summary:** This rule implements 29-A M.R.S.A. §651-A, which authorizes the Secretary of State to operate an Electronic Lien Titling Program (ELT) permitting the creation and exchange of an electronic record for maintaining vehicle title and lien information.

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**I. INTRODUCTION**

- A. The ELT allows BMV and enrolled ELT Lienholders to exchange vehicle title and lien information through an electronic interface. **Participation in the program is voluntary.** If an ELT Lienholder decides to participate, it must enlist the services of a third-party ELT Service Provider authorized by BMV to electronically exchange lien and title information on its behalf.
- B. BMV is developing the ELT in phases. As development proceeds, new electronic title transactions may become available. To remain enrolled in the program as BMV rolls out new phases, ELT Service Providers may be required to update their systems for the purpose of performing new ELT transactions through the BMV's interface. Current system specifications, as well as BMV's plans for future development, can be found in the Maine Electronic Lien Titling Program Technical Specifications available at [www.maine.gov/sos/bmv/titles/elt](http://www.maine.gov/sos/bmv/titles/elt). This document may be amended from time to time. When amended, an updated version of the document will be provided to ELT participants by email and shall replace the copy stored at [www.maine.gov/sos/bmv/titles/elt](http://www.maine.gov/sos/bmv/titles/elt). Whenever BMV implements a new phase, BMV shall provide ELT Service Provider a reasonable amount of time to implement new features.
- C. ELT Service Providers shall also sign an MOU when enrolling and shall sign a new MOU prior to the beginning of each phase. BMV shall provide a copy of the proposed MOU to ELT Service Provider within a reasonable amount of time to review and sign before implementation of the new phase.
- D. Instructions for submitting applications and performing title transactions during enrollment are available at [www.maine.gov/sos/bmv/titles/elt](http://www.maine.gov/sos/bmv/titles/elt).

**II. DEFINITIONS**

- A. For the purpose of this Rule, the following definitions apply:
  1. "BMV" means Maine Department of the Secretary of State, Bureau of Motor Vehicles.

2. "ELT Lienholder" means an entity that holds a security interest in a vehicle and who is authorized to exchange lien and title information electronically through an ELT Service Provider.
3. "ELT Service Provider" means a third-party entity authorized to provide electronic data exchange services to ELT Lienholders.
4. "Enrollment" means the period during which an ELT Lienholder or ELT Service Provider is authorized by BMV to participate in the ELT.
5. "Federal Employer Identification Number (FEIN)" means a number issued by the Internal Revenue Service to entities that do business in the United States for tax purposes.

### **III. ENROLLMENT REQUIREMENTS**

#### **A. ELT Service Providers**

1. BMV must approve all applications for enrollment in the ELT as an ELT Service Provider.
2. If an entity elects to apply for enrollment in the ELT as an ELT Service Provider, the entity shall:
  - a. be currently registered, and in good standing, with the Secretary of State, Bureau of Corporations, Elections, and Commissions for the purpose of doing business in the State of Maine;
  - b. submit to BMV a completed application form MVT-57;
  - c. have a valid FEIN and report the same on form MVT-57;
  - d. sign a Memorandum of Understanding with BMV;
  - e. submit to BMV a completed Affirmation Statement for Access to Motor Vehicle Record Information; and
  - f. complete an electronic system test to the satisfaction of the BMV.
3. Upon approving an ELT Service Provider's enrollment application, BMV shall send ELT Service Provider a letter designating the date it shall begin using the ELT to electronically exchange title and lien data on behalf of ELT Lienholders.
4. If an ELT Service Provider elects to disenroll from the ELT, it shall:
  - a. complete and submit form MVT-57 to BMV no fewer than 30 days prior to its desired date of disenrollment; and
  - b. inform any ELT Lienholders to whom it provides service of its intent to withdraw from the ELT no fewer than 30 days prior to its desired date of disenrollment.
5. Upon processing an ELT Service Provider's disenrollment application, BMV shall send a letter to ELT Service Provider designating the date its participation in ELT will end.

## B. ELT Lienholders

1. BMV must approve all applications for enrollment in the ELT as an ELT Lienholder.
2. If an entity elects to apply for enrollment in the ELT as an ELT Lienholder, the entity shall:
  - a. be currently registered, and in good standing, with the Secretary of State, Bureau of Corporations, Elections, and Commissions for the purpose of doing business in the State of Maine;
  - b. enlist the services of a single ELT Service Provider authorized by BMV to exchange lien and title data on behalf of ELT Lienholders;
  - c. complete form MVT-58 with its ELT Service Provider and submit the same to BMV; and
  - d. have a valid FEIN and report the same on form MVT-58 to BMV; and
  - e. submit to BMV a completed Affirmation Statement for Access to Motor Vehicle Record Information.
3. Upon approving an ELT Lienholder's enrollment application, BMV shall send ELT Lienholder and its ELT Service Provider a letter indicating the date it may begin electronically exchanging lien and title data through ELT.
4. If an ELT Lienholder elects to disenroll from the ELT, it shall complete form MVT-58 along with its ELT Service Provider and submit to BMV no fewer than 30 days prior to the desired date of disenrollment.
5. Upon processing an ELT Lienholder's disenrollment application, BMV shall:
  - a. send ELT Lienholder and its ELT Service Provider a letter designating the date ELT Lienholder's disenrollment will take effect; and
  - b. provide ELT Lienholder with paper Certificates of Title for any active electronic records listing ELT Lienholder as the First Lienholder.

## IV. ELT PARTICIPATION REQUIREMENTS

### A. ELT Service Providers

1. During an ELT Service Provider's enrollment in the ELT, it shall:
  - a. complete and submit applications for enrollment, disenrollment, or change of enrollment information on behalf of ELT Lienholders to whom it provides services;
  - b. maintain a help desk to resolve any problems ELT Lienholders have connecting to or using ELT Service Provider's electronic systems;

- c. connect to the BMV's ELT interface for the purposes of conducting ELT transactions during the times specified in the Maine Electronic Lien Titling Program Technical Specifications, as it may be amended from time to time;
    - d. report transmission errors to BMV by email at [elt.bmv@maine.gov](mailto:elt.bmv@maine.gov) within 24 hours of an error's occurrence; and
    - e. maintain accurate records of electronic transactions performed during enrollment and make them available to BMV upon request. ELT Service Provider shall maintain these records for no fewer than 5 years after the date of transaction.
2. ELT Service Provider shall comply with 29-250 C.M.R. Chapter 10, Rules Implementing the Federal Driver Privacy Protection Act.
  - a. ELT Service Provider shall report any violation, or suspected violation, of 29-250 C.M.R. Chapter 10 to the Deputy Secretary of State, Bureau of Motor Vehicles, within 48 hours at [elt.bmv@maine.gov](mailto:elt.bmv@maine.gov) or (207) 624-9023.
3. ELT Service Provider is authorized to disclose BMV data only for the purposes of conducting ELT transactions.
  - a. ELT Service Provider must report unauthorized disclosure, or suspected disclosure, of BMV data to the Deputy Secretary of State, Bureau of Motor Vehicles, within 48 hours at [elt.bmv@maine.gov](mailto:elt.bmv@maine.gov) or (207) 624-9023.
4. ELT Service Provider shall be responsible for all costs associated with its computer systems, including training.
5. BMV reserves the right to audit ELT Service Provider's records and practices associated with the ELT to assess its compliance with this Rule.
  - a. In general, BMV will schedule the audit for a mutually agreed upon time. BMV, however, reserves the right to conduct an unannounced audit during normal business hours.
6. BMV may terminate ELT Service Provider's enrollment as set forth in the MOU, including but not limited to on the basis of any violations of this Rule.

#### B. ELT Lienholder

1. During an ELT Lienholder's enrollment in the ELT,
  - a. using the ELT to provide an electronic record shall satisfy the BMV and ELT Lienholder's requirement to mail, deliver, or surrender a Certificate of Title.

- b. ELT Lienholder shall use the ELT to notify BMV when a lien is released or updated.
  - c. ELT Lienholder may request a paper copy of the Certificate of Title.
2. Lienholder Identification Number:
- a. Upon approving an ELT Lienholder's enrollment application, BMV will send a letter to the ELT Lienholder and its ELT Service Provider indicating its Lienholder Identification Number and the date its enrollment takes effect;
  - b. BMV will maintain a searchable list of ELT Lienholders' names of record and their corresponding Lienholder Identification Numbers on its website;
  - c. ELT Lienholder will be responsible for instructing customers and dealers with whom it does business to use its Lienholder Identification Number on any applicable BMV title applications listing it as Lienholder; and
  - d. BMV will issue electronic title records to fulfill applications containing the correct ELT Lienholder's correct name of record and Lienholder Identification Number.
    - i. If a customer applying for a title fails to include the ELT Lienholder's name of record and a matching ELT Lienholder Identification Number, then BMV may issue a paper Certificate of Title to fulfill the application.
3. ELT Lienholder shall be responsible for all costs associated with use of the ELT, and its computer systems, including training.
4. ELT Lienholder shall comply with C.M.R. 29-250 Chapter 10, Rules Implementing the Federal Driver's Privacy Protection Act.
- a. ELT Lienholder shall report any violation, or suspected violation, of C.M.R. 29-250 Chapter 10 to the Deputy Secretary of State, Bureau of Motor Vehicles, within 48 hours at [elt.bmv@maine.gov](mailto:elt.bmv@maine.gov) or (207) 624-9023.
5. ELT Lienholder is authorized to disclose BMV data only for the purposes of conducting ELT transactions.
- a. ELT Lienholder must report unauthorized disclosure, or suspected disclosure, of BMV data to the Deputy Secretary of State, Bureau of Motor Vehicles, within 48 hours at [elt.bmv@maine.gov](mailto:elt.bmv@maine.gov) or (207) 624-9023.
6. BMV reserves the right to audit ELT Lienholder's records and practices associated with the ELT to assess its compliance with this Rule.

- a. In general, BMV will schedule the audit for a mutually agreed upon time. BMV, however, reserves the right to conduct an unannounced audit during normal business hours.
7. BMV may terminate ELT Lienholder's enrollment for any violation of this Rule.

## **V. SYSTEMS REQUIREMENTS AND SYSTEM UPDATES**

- A. BMV is developing the ELT in phases. Each new phase will make new features available and may require BMV and Service Provider's to update their systems for the purpose of conducting transactions through the ELT.
  1. BMV shall describe the specifications for connecting to BMV's interface for the purpose of conducting ELT transactions, and plans for updating them, in the Maine Electronic Lien Titling Program Technical Specifications.
- B. With each new phase of the ELT, BMV shall:
  1. update the Maine Electronic Lien Titling Program Technical Specifications to include the new specifications for connecting and performing ELT transactions through the BMV's interface during enrollment in the ELT;
  2. designate a date on which the new phase will be implemented by BMV; and
  3. provide an electronic copy of the Maine Electronic Lien Titling Program Technical Specifications to ELT Service Providers within a reasonable amount of time for it to make any required system updates.
  4. provide a copy of the proposed MOU to ELT Service Providers within a reasonable amount of time to review and sign before the implementation of a new phase.
- C. Whenever BMV implements a new phase of the ELT, ELT Service Provider shall:
  1. sign a new Memorandum of Understanding with the BMV;
  2. develop and implement the features associated with the phase to the satisfaction of BMV; and
  3. complete a system test of the new features to BMV's satisfaction.
- D. If ELT Service Provider elects not to update their system, or cannot implement the new features and complete a system test to BMV's satisfaction, then BMV may terminate Service Provider per the provisions of the MOU.

## **VI. ADMINISTRATIVE HEARINGS**

- A. An ELT Lienholder or ELT Service Provider whose application for enrollment in the ELT has been denied or who has been disenrolled from the ELT may request an administrative hearing. These are the only two actions that are subject to an administrative hearing. The hearing will be held pursuant to 29-A MRSA § 111

and 112 and Chapter 2 of the Rules of the Secretary of State. The sole issue at the hearing is whether, by a preponderance of the evidence, the ELT Lienholder or ELT Service Provider can show cause why the decision of the Secretary of State should not be upheld.

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STATUTORY AUTHORITY: 29-A M.R.S.A. §651-A

EFFECTIVE DATE:  
XXXXXX 00, 2023