NOTARIZING MONTANA MOTOR VEHICLES TITLES

Montana requires that the seller(s) signature(s) on a Montana Motor Vehicle Title be notarized. Once notarized, the title becomes a “negotiable instrument” and ownership is readily transferred to the person holding the title. For this reason, Montana notaries are urged to be particularly conscientious when asked to notarize a title.

- The preprinted notary blocks on most, if not all, of the older Montana titles do not accurately contain all the information required in a proper notarial block. You are responsible for including all nine elements of a proper notarial block. **NOTE:** The “venue” is missing on most (though not all) existing title forms. You must include the location where the notarization was performed: “State of Montana, County of __________.”

- If there are two or more owners listed on a title, they *do not* have to have their signatures notarized at the same time or by the same notary, but they must both be notarized. The sellers sign and print their names on the lines provided on the title; the first notary should use the “preprinted block” and be sure to specify whose signature was notarized (“Signed and sworn before me by John Doe (only)”). The subsequent notary completes a full notarial block either on the title (in the lien holder’s section, if there is enough room) or on a separate designated notarial certificate for Montana Motor Vehicle Title (see page 41).

- The Montana Motor Vehicle Division will not accept a title with information that has been in any way corrected or crossed out. If an error is made by the signers or the notary, a **Statement of Fact** will have to be completed and filed with the Title. A copy of this form is available online at: [www.doj.mt.gov/driving/forms/mv100.pdf](http://www.doj.mt.gov/driving/forms/mv100.pdf).

- Notaries may place their seals in the lien holder section, just to the left of the signature in the notarial block on the older title forms. The new version has a space specifically designed for the new seal/stamp units that will be easier to use.

- Notaries may notarize “open titles,” per the message below:

SEE NEXT PAGE FOR ILLUSTRATION OF PROPERLY NOTARIZED MONTANA MOTOR VEHICLE TITLES

10/27/2010
AN IMPORTANT MESSAGE FROM THE MOTOR VEHICLE DIVISION:

MVD is in the process of redesigning the Montana certificate of title to allow more space for entry of information needed for assignment of a vehicle title, to conform with current notarial requirements – in particular, the accommodation of the new rectangular notarial stamp and the inclusion of all nine components of a notarial act – and to remove the admonition about notarizing an open title (e.g., “DO NOT NOTARIZE OR VERIFY UNLESS ... PURCHASER NAME(S) IS LISTED”).

“Open title” refers to a situation where a vehicle owner signs the transfer or assignment section of a title but doesn’t write in the name of the person to whom the vehicle is being sold (and usually odometer information is left blank as well). The open title can then passed to a buyer (or through a series of buyers) without the statutorily mandated title and registration transactions being performed, the odometer disclosure statement being executed by the original seller or acknowledged by the original buyer, or any official record of the transfers being made. The risk of fraud and tax avoidance greatly increases when open titles are circulated. Additionally, open titles facilitate unlicensed “dealing” of motor vehicles, which then places legitimate dealers at a disadvantage.

The new title format will not be implemented for several months, however, consistent with the upcoming change, a notary may disregard the open title admonition on the current title (versions 2006 to present) and proceed with notarization of the vehicle owner’s (seller’s) signature – even though the purchaser’s name and address is not entered in section 1 of the title - if the notary has properly identified the signatory in accordance with the requirements of their commission. The notary is not required to interpret and/or enforce Montana title laws when acknowledging signatures on a Montana title document.

Likewise, a county treasurer, a deputy county treasurer, or a clerk who has been authorized by the treasurer to use the county seal under the authority of MCA § 61-3-220(2) (“an employee or authorized agent of the department”) may acknowledge the signature of a vehicle owner (seller), even though the owner has not entered the purchaser’s name and address in section 1 of the title.

It is the seller’s responsibility to execute a transfer (i.e., enter the purchaser’s name and address information) on the Montana title. Additionally, the seller has the duty to ensure that the odometer disclosure is complete and inherent in that process is naming a purchaser (transferee) who then by law must acknowledge the disclosure. MVD or county officials may inform a vehicle owner of state law requirements for transferring a vehicle to another person.

Brenda Nordlund, Administrator