

ODOMETER REQUIREMENTS

Federal Law 92-513 Title IV

SEC. 401 - FINDINGS AND PURPOSE

The Congress hereby finds that purchasers, when buying motor vehicles, rely heavily on the odometer reading as an index of the condition and value of such vehicle; that purchasers are entitled

to rely on the odometer reading as an accurate reflection of the mileage actually traveled by the vehicle; that an accurate indication of the mileage traveled by a motor vehicle assists the purchaser in determining its safety and reliability; and that motor vehicles move in the current of interstate and foreign commerce or affect such commerce. It is therefore the purpose of this title to prohibit tampering with odometers on motor vehicles and to establish certain safeguards for the protection of purchasers with respect to the sale of motor vehicles having altered or reset odometers.

SEC. 402 - DEFINITIONS

As used in this title

- (1) The term "odometer" means an instrument for measuring and recording the actual distance a motor vehicle travels while in operation; but shall not include any auxiliary odometer designed to be reset by the operator of the motor vehicle for the purpose of recording mileage on trips.
- (2) The term "repair and replacement" means to restore to a sound working condition by replacing the odometer or any part thereof or by correcting what is inoperative.
- (3) The term "transfer" means to change ownership by purchase, gift, or any other means.

SEC. 403 - UNLAWFUL DEVICES

It is unlawful for any person to advertise for sale, to sell, to use, or to install or to have installed, any device which causes an odometer's true mileage to register any mileage other than the true mileage driven. For purposes of this section, the true mileage driven is that mileage driven by the vehicle as registered by the odometer within the manufacturer's designed tolerance.

SEC. 404 - UNLAWFUL CHANGE OF MILEAGE

It is unlawful for any person or his agent to disconnect, reset, or alter the odometer of any motor vehicle with the intent to change the number of miles indicated thereon.

SEC. 405 - OPERATION WITH INTENT TO DEFRAUD

It is unlawful for any person with the intent to defraud to operate a motor vehicle on any street or highway knowing that the odometer of such vehicle is disconnected or nonfunctional.

SEC. 406 - CONSPIRACY

No person shall conspire with any other person to violate section 403, 404, 405, 407, or 408.

SEC. 407 - LAWFUL SERVICE, REPAIR, OR REPLACEMENT

Nothing in this title shall prevent the service, repair, or replacement of an odometer, provided the mileage indicated thereon remains the same as before the service, repair, or replacement. Where the odometer is incapable of registering the same mileage as before such service, repair, or replacement, the odometer shall be adjusted to read zero and a notice in writing **shall be attached to the left door frame of the vehicle by the owner** or his agent specifying the mileage prior to repair or replacement of the odometer and the date on which it was repaired or replaced. Any removal or alteration of such notice so affixed shall be unlawful.

SEC. 408 - DISCLOSURE REQUIREMENTS

(a) Not later than 90 days after the date of enactment of this Act, the Secretary shall prescribe rules requiring any transferor to give the following written disclosure to the transferee in connection with the transfer of ownership of a motor vehicle:

(1) Disclosure of the cumulative mileage registered on the odometer.

(2) Disclosure that the actual mileage is unknown, if the odometer reading is known to the transferor to be different from the number of miles the vehicle has actually traveled. Such rules shall prescribe the manner in which information shall be disclosed under this section and in which such information shall be retained.

(b) It shall be a violation of this section for any transferor to violate any rules under this section or to knowingly give a false statement to a transferee in making any disclosure required by such rules.

SEC. 409 - PRIVATE CIVIL ACTION

(a) Any person who, with intent to defraud, violates any requirement imposed under this title shall be liable in an amount equal to the sum of

(1) three times the amount of actual damages sustained or \$1,500, whichever is the greater; and

(2) in the case of any successful action to enforce the foregoing liability, the costs of the action together with reasonable attorney fees as determined by the court.

(b) An action to enforce any liability created under subsection (a) of this section, may be brought in a United States district court without regard to the amount in controversy, or in any other court of competent jurisdiction, within two years from the date on which the liability arises.

SEC. 410 - INJUNCTIVE ENFORCEMENT

(a) Upon petition by the Attorney General on behalf of the United States, the United States district courts shall have jurisdiction, for cause shown and subject to the provisions of rule 65 (a) and (b) of the Federal Rules of Civil Procedure, to restrain violations of this title. Whenever practicable, the Secretary shall give notice to any person against whom an action for injunctive relief is contemplated and afford him an opportunity to present his views.

The failure to give such notice and afford such opportunity shall not preclude the granting of appropriate relief.

(b) Paragraphs (3) and (4) of section 107(b) shall apply to actions under this section in the same manner as they apply to actions under section 107.

SEC. 411 - EFFECT ON STATE LAW

This title does not

(1) annul, alter, or affect the laws of any State with respect to the disconnecting, altering, or tampering with odometers with the intent to defraud, or

(2) exempt any person subject to the provisions of this title from complying with such laws, except to the extent that those laws are inconsistent with any provision of this title, and then only to the extent of the inconsistency.

SEC. 412 - EFFECTIVE DATE

This title (other than section 408(a)) shall take effect ninety calendar days following the date of enactment of this Act. Section 408(a) shall take effect on the date of enactment of this Act.

SEC. 413 - REPORT

One year after the date of enactment of this Act, the Secretary shall report to the Congress and to the President on the extent to which the reliability of odometers can be improved, on the technical feasibility of producing odometers which are tamper proof, and on the Secretary's plans and recommendations for future action.