

SUBJECT: CONSUMER PROTECTION – ODOMETERS
ATTORNEY GENERAL – PUBLIC PROTECTION UNIT
ADOPTED PURSUANT TO 9 V.S.A. SECTION 2453(c)

RULE CP 108

Effective Date: 1/28/74

- CP 108.01 Dealer's Disclosure Requirements
- CP 108.02 Time of Disclosure
- CP 108.03 Disclosure of Previous Owner
- CP 108.04 Definitions
- CP 108.05 Exemptions
- CP 108.06 Disclosure Statement

CP 108.01 Dealer's Disclosure Requirements

It shall constitute an unfair and deceptive trade act and practice in commerce under 9 V.S.A. Section 2453(a) for a dealer to transfer ownership of a motor vehicle without furnishing to the transferee a written odometer mileage statement signed by the transferor, containing the following odometer information:

- (a) The odometer reading at the time of transfer;
- (b) The date of the transfer;
- (c) The dealer's name and address;
- (d) The identity of the motor vehicle, including its make, model, model year, and body type, its motor vehicle identification number, and its last plate number;
- (e) The odometer reading at the time the motor vehicle was obtained from the person who previously owned the motor vehicle for purposes other than resale; provided, however, that if such previous owner is unknown, the dealer shall disclose the odometer reading at the time the motor vehicle was transferred to him.
- (f) A statement that the actual mileage is unknown, if the dealer knows that the odometer reading differs from the number of miles that the motor vehicle has actually traveled;
- (g) A statement that any inaccuracies on the odometer mileage statement may result in civil liability under the Federal Motor Vehicle and Cost Savings Act and under Vermont's Consumer Protection Law.

CP 108.02 Time of Disclosure

The odometer information required to be furnished by CP 108.01 shall be furnished before any transfer of ownership document is executed.

CP 108.03 Disclosure of Previous Owner

Upon request of the buyer the dealer shall disclose in writing the name and address of the person who previously owned the motor vehicle for purposes other than resale; provided, however, that if such previous owner is unknown, the dealer shall disclose the name and address of the person who transferred the motor vehicle to him.

CP 108.04 Definitions

(a) 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.

(b) The term “transfer” means to change ownership of a motor vehicle.

(c) The term “transferee” means any consumer to whom the ownership in a motor vehicle is transferred.

(d) The term “dealer” means “new car dealer” and “used car dealer” as defined in Chapter I of Title 23 of the Vermont Statutes Annotated.

CP 108.05 Exemptions

A dealer transferring the following motor vehicles is exempt from the disclosure requirements of CP 108.01:

(a) A motor vehicle having a gross vehicle weight rating of more than 16,000 pounds;

(b) A motor vehicle that is not self-propelled;

(c) A motor vehicle that is 25 years old or older; or

(d) A new motor vehicle prior to its first transfer for purposes other than resale.

CP 108.06 Disclosure Statement

In order to fully disclose the information required by CP 108.02, a dealer should execute an Odometer Mileage Statement in substantially the following form:

ODOMETER MILEAGE STATEMENT

(Federal and state regulations require a dealer to state the odometer mileage upon transfer of ownership. An inaccurate statement may make him liable to you for damages, pursuant to Section 409(a) of the Federal Motor Vehicle Information and Cost Savings Act of 1972, Public Law 92-513, and pursuant to Vermont’s Consumer Protection Law.)

I, _____
state that the odometer mileage indicated on the vehicle described below is
_____ miles.

