

HISTORICAL AND REVISION NOTES—CONTINUED

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32701(b)	15:1981 (last sentence).	

§ 32702. Definitions

In this chapter—

(1) “auction company” means a person taking possession of a motor vehicle owned by another to sell at an auction.

(2) “dealer” means a person that sold at least 5 motor vehicles during the prior 12 months to buyers that in good faith bought the vehicles other than for resale.

(3) “distributor” means a person that sold at least 5 motor vehicles during the prior 12 months for resale.

(4) “leased motor vehicle” means a motor vehicle leased to a person for at least 4 months by a lessor that leased at least 5 vehicles during the prior 12 months.

(5) “odometer” means an instrument or system of components for measuring and recording the distance a motor vehicle is driven, but does not include an auxiliary instrument or system of components designed to be reset by the operator of the vehicle to record mileage of a trip.

(6) “repair” and “replace” mean to restore to a sound working condition by replacing any part of an odometer or by correcting any inoperative part of an odometer.

(7) “title” means the certificate of title or other document issued by the State indicating ownership.

(8) “transfer” means to change ownership by sale, gift, or any other means.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1048; Pub. L. 104–287, §5(61), Oct. 11, 1996, 110 Stat. 3394; Pub. L. 112–141, div. C, title I, §31205(a), July 6, 2012, 126 Stat. 760.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32702(1)	15:1982(8).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §402(6)–(8); added Oct. 28, 1986, Pub. L. 99–579, §2(b), 100 Stat. 3310.
32702(2)	15:1982(1).	Oct. 20, 1972, Pub. L. 92–513, 86 Stat. 947, §402(1), (2); added July 14, 1976, Pub. L. 94–364, §401(2), 90 Stat. 983.
32702(3)	15:1982(2).	
32702(4)	15:1982(7).	
32702(5)	15:1982(3).	Oct. 20, 1972, Pub. L. 92–513, §402(3)–(5), 86 Stat. 961; July 14, 1976, Pub. L. 94–364, §401(1), 90 Stat. 983.
32702(6)	15:1982(4).	
32702(7)	15:1982(6).	
32702(8)	15:1982(5).	

In clause (1), the words “(whether through consignment or bailment or through any other arrangement)” and “such motor vehicle” are omitted as surplus.

In clause (4), the words “a term of” are omitted as surplus.

In clause (5), the words “the distance a motor vehicle is driven” are substituted for “the actual distance a motor vehicle travels while in operation” for clarity and to eliminate unnecessary words.

PUB. L. 104–287

This amends 49:32702(8) and 32705 to clarify the re-statement of 15:1982(5) and 1988 by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1049).

AMENDMENTS

2012—Par. (5). Pub. L. 112–141, which directed insertion of “or system of components” after “instrument”, was executed by making the insertion after “instrument” both places it appeared.

1996—Par. (8). Pub. L. 104–287 inserted “any” after “or”.

EFFECTIVE DATE OF 2012 AMENDMENT

Amendment by Pub. L. 112–141 effective Oct. 1, 2012, see section 3(a) of Pub. L. 112–141, set out as an Effective and Termination Dates of 2012 Amendment note under section 101 of Title 23, Highways.

EFFECTIVE DATE OF 1996 AMENDMENT

Amendment by Pub. L. 104–287 effective July 5, 1994, see section 8(1) of Pub. L. 104–287, set out as a note under section 5303 of this title.

§ 32703. Preventing tampering

A person may not—

(1) advertise for sale, sell, use, install, or have installed, a device that makes an odometer of a motor vehicle register a mileage different from the mileage the vehicle was driven, as registered by the odometer within the designed tolerance of the manufacturer of the odometer;

(2) disconnect, reset, alter, or have disconnected, reset, or altered, an odometer of a motor vehicle intending to change the mileage registered by the odometer;

(3) with intent to defraud, operate a motor vehicle on a street, road, or highway if the person knows that the odometer of the vehicle is disconnected or not operating; or

(4) conspire to violate this section or section 32704 or 32705 of this title.

(Pub. L. 103–272, §1(e), July 5, 1994, 108 Stat. 1049; Pub. L. 103–429, §6(33), Oct. 31, 1994, 108 Stat. 4380.)

HISTORICAL AND REVISION NOTES
PUB. L. 103–272

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32703(1)	15:1983.	Oct. 20, 1972, Pub. L. 92–513, §403, 86 Stat. 962; July 14, 1976, Pub. L. 94–364, §402, 90 Stat. 983.
32703(2)	15:1984.	Oct. 20, 1972, Pub. L. 92–513, §§404, 405, 86 Stat. 962; re-stated July 14, 1976, Pub. L. 94–364, §§403, 404, 90 Stat. 983.
32703(3)	15:1985.	
32703(4)	15:1986.	Oct. 20, 1972, Pub. L. 92–513, §406, 86 Stat. 962.

In clause (1), the words “the mileage the vehicle was driven, as registered by the odometer within the designed tolerance of the manufacturer of the odometer” are substituted for “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” to eliminate unnecessary words.

In clause (3), the words “public” and “road” are added for consistency in this subtitle.

PUB. L. 103–429

This amends 49:32703(3) to correct an error in the codification enacted by section 1 of the Act of July 5, 1994 (Public Law 103–272, 108 Stat. 1049).

AMENDMENTS

1994—Par. (3). Pub. L. 103-429 struck out “public” before “street”.

EFFECTIVE DATE OF 1994 AMENDMENT

Amendment by Pub. L. 103-429 effective July 5, 1994, see section 9 of Pub. L. 103-429, set out as a note under section 321 of this title.

§ 32704. Service, repair, and replacement

(a) ADJUSTING MILEAGE.—A person may service, repair, or replace an odometer of a motor vehicle if the mileage registered by the odometer remains the same as before the service, repair, or replacement. If the mileage cannot remain the same—

(1) the person shall adjust the odometer to read zero; and

(2) the owner of the vehicle or agent of the owner shall attach a written notice to the left door frame of the vehicle specifying the mileage before the service, repair, or replacement and the date of the service, repair, or replacement.

(b) REMOVING OR ALTERING NOTICE.—A person may not, with intent to defraud, remove or alter a notice attached to a motor vehicle as required by this section.

(Pub. L. 103-272, §1(e), July 5, 1994, 108 Stat. 1049.)

HISTORICAL AND REVISION NOTES

Revised Section	Source (U.S. Code)	Source (Statutes at Large)
32704	15:1987.	Oct. 20, 1972, Pub. L. 92-513, § 407, 86 Stat. 962; July 14, 1976, Pub. L. 94-364, § 405, 90 Stat. 983.

In subsection (b), the text of 15:1987(b)(1) is omitted as surplus.

§ 32705. Disclosure requirements on transfer of motor vehicles

(a)(1) DISCLOSURE REQUIREMENTS.—Under regulations prescribed by the Secretary of Transportation that include the way in which information is disclosed and retained under this section, a person transferring ownership of a motor vehicle shall give the transferee the following written disclosure:

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

(B) Disclosure that the actual mileage is unknown, if the transferor knows that the odometer reading is different from the number of miles the vehicle has actually traveled.

(2) A person transferring ownership of a motor vehicle may not violate a regulation prescribed under this section or give a false statement to the transferee in making the disclosure required by such a regulation.

(3) A person acquiring a motor vehicle for resale may not accept a written disclosure under this section unless it is complete.

(4)(A) This subsection shall apply to all transfers of motor vehicles (unless otherwise exempted by the Secretary by regulation), except in the case of transfers of new motor vehicles from a vehicle manufacturer jointly to a dealer and a

person engaged in the business of renting or leasing vehicles for a period of 30 days or less.

(B) For purposes of subparagraph (A), the term “new motor vehicle” means any motor vehicle driven with no more than the limited use necessary in moving, transporting, or road testing such vehicle prior to delivery from the vehicle manufacturer to a dealer, but in no event shall the odometer reading of such vehicle exceed 300 miles.

(5) The Secretary may exempt such classes or categories of vehicles as the Secretary deems appropriate from these requirements. Until such time as the Secretary amends or modifies the regulations set forth in 49 CFR 580.6, such regulations shall have full force and effect.

(b) MILEAGE STATEMENT REQUIREMENT FOR LICENSING.—(1) A motor vehicle the ownership of which is transferred may not be licensed for use in a State unless the transferee, in submitting an application to a State for the title on which the license will be issued, includes with the application the transferor’s title and, if that title contains the space referred to in paragraph (3)(A)(iii) of this subsection, a statement, signed and dated by the transferor, of the mileage disclosure required under subsection (a) of this section. This paragraph does not apply to a transfer of ownership of a motor vehicle that has not been licensed before the transfer.

(2)(A) Under regulations prescribed by the Secretary, if the title to a motor vehicle issued to a transferor by a State is in the possession of a lienholder when the transferor transfers ownership of the vehicle, the transferor may use a written power of attorney (if allowed by State law) in making the mileage disclosure required under subsection (a) of this section. Regulations prescribed under this paragraph—

(i) shall prescribe the form of the power of attorney;

(ii) shall provide that the form be printed by means of a secure printing process (or other secure process);

(iii) shall provide that the State issue the form to the transferee;

(iv) shall provide that the person exercising the power of attorney retain a copy and submit the original to the State with a copy of the title showing the restatement of the mileage;

(v) may require that the State retain the power of attorney and the copy of the title for an appropriate period or that the State adopt alternative measures consistent with section 32701(b) of this title, after considering the costs to the State;

(vi) shall ensure that the mileage at the time of transfer be disclosed on the power of attorney document;

(vii) shall ensure that the mileage be restated exactly by the person exercising the power of attorney in the space referred to in paragraph (3)(A)(iii) of this subsection;

(viii) may not require that a motor vehicle be titled in the State in which the power of attorney was issued;

(ix) shall consider the need to facilitate normal commercial transactions in the sale or exchange of motor vehicles; and

(x) shall provide other conditions the Secretary considers appropriate.