

What You Should Know to Protect Yourself from



ODOMETER FRAUD

State of Florida
Division of Motorist Services

Odometer Fraud and the Law

Because of the importance of the odometer reading in determining the value and condition of a vehicle, federal and state laws have been enacted making it illegal to tamper with a vehicle's odometer.

Under the law it is illegal to:

- ⇒ Disconnect an odometer
- ⇒ Turn back an odometer (with intent to defraud)
- ⇒ 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 (49 USC Sec. 32703)

It is a violation for anyone (dealer or individual) to sell a vehicle without providing a written statement of the actual mileage at the time of transfer. If the seller suspects that the mileage registered by the odometer is not the actual mileage traveled by the vehicle, this fact should be indicated on the statement.

All Florida titles issued after 1983 provide a space showing the odometer reading at the time the vehicle was transferred. Unless the odometer has rolled over 100,000 miles, the reading on the title will reflect the reading on the odometer at the time the vehicle was bought. The mileage on the title will be lower than the current mileage of the vehicle.

Buyers and sellers are required by federal and state law to make and acknowledge written odometer disclosure statements and to exchange those statements when ownership of a motor vehicle is transferred (unless the vehicle is exempt).

Exemptions from odometer disclosure includes vehicles which:

- ⇒ Are 10 years old or older
- ⇒ Have a gross vehicle weight rating (GVWR) of more than 16,000
- ⇒ Are not self-propelled

What Can You Do to Prevent Odometer Fraud?

- ⇒ Being a cautious buyer is the best defense against odometer fraud. Avoid vehicles that are candidates for odometer fraud.
- ⇒ When trading-in or selling a vehicle, don't release ownership (sign title over) until all documents, including odometer information, have been completed.
- ⇒ Never sign a blank document. Read all documents thoroughly before signing to ensure information is correct. When signing documents, it is a good practice to enter "N/A" for "not applicable", where appropriate.



What is Odometer Fraud?

Odometer fraud occurs when a false statement is given in disclosing the mileage of a vehicle or when a vehicle's odometer is rolled back or disconnected.

The odometer reading is an accepted means of determining the dollar value of a motor vehicle. It is also a good indication of the vehicle's condition.

Generally, a low mileage used car carries a higher price value than a high mileage used vehicle. However, the dollar difference should not be your only concern. The vehicle may have mechanical problems which are costly to repair and may affect your safety.

The odometer reading reflects the possible wear and tear on a vehicle's equipment. After a vehicle has been driven for a while, certain systems need routine repairs and safety checks.



Responsibilities of the Buyer and Seller

Thousands of cars are bought and sold each year in the state of Florida. As a buyer, it is your right to know the accurate condition of a vehicle before purchasing. As a seller, it is your responsibility to provide the buyer with accurate information concerning the vehicle's actual value and condition.

Before You Buy..... Check It Out!

Before buying a vehicle check it out for the following:

The Car

- ⇒ Look for oil stickers, service records, or warranty cards indicating the vehicle's mileage. Check to see if the dates are consistent with the odometer totals.
- ⇒ Check the physical condition of the carpet, brake pedal, seats, and any items that might show wear. Is the condition of these items consistent with the reported use/mileage of the vehicle? If the vehicle is in exceptionally good condition, it may be an indication that items were replaced due to excessive wear.
- ⇒ Look for scratches on the odometer or the dashboard, misaligned digits, digits that stick or an odometer that fits loosely. The presence of any of these may be an indication that the odometer has been changed.
- ⇒ Have the vehicle checked-out by a reputable mechanic.

The Documents

- ⇒ Ask to see the odometer statement which the seller received when the vehicle was purchased.
- ⇒ Look at the vehicle's title certificate. You should verify the odometer reading on the title to ensure it is lower than the actual odometer reading on the vehicle. If you would like to request a motor vehicle report (title history) on the vehicle, record the vehicle identification number from the vehicle's front windshield on the driver's side.
- ⇒ The VIN will provide a tax collector or Division of Motorist Services Office the information necessary to obtain the previous title and odometer disclosure information.

Legal Recourse

If you suspect that the odometer has been rolled back on a vehicle offered for sale, contact your local law enforcement agency or the Division of Motorist Services. If you suspect odometer fraud has occurred with a vehicle you have already purchased, the Division of Motorist Services can assist you in obtaining a Florida title history record of the vehicle.

Protection for Consumers; Punishment for Violators

Knowingly and willingly violating the Odometer Fraud Law is a crime. In addition to paying damages to the injured consumer, the violator may also be sued by the U.S. Department of Transportation. The civil penalty for odometer fraud is \$2,000 per violation. The law also provides for criminal prosecution for odometer fraud.

The Motor Vehicle Information and Cost Savings Act, 15 U.S.C. 1981-1991, allows the victim of odometer fraud to file a private lawsuit to recover damages incurred. Successful suits can collect three times your damages or \$1,500, whichever is greater. You may also refer to your legal rights covered under Florida's Deceptive and Unfair Trade Practices Act, Chapter 501, Part II, Florida Statutes.

For Additional Information, Contact:

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Division of Motorist Services
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