

MAINE STATE LEGISLATURE

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August 6, 1964

Lieut. Kenneth Wood

Traffic Division - B.M.V.I.

George C. West, Deputy

Attorney General

**Responsibility of Dealer for Inspection of Motor Vehicle
Sold by Him**

FACTS:

A dealer in motor vehicles sells a vehicle as is and where is. The vehicle bears no current inspection sticker. No temporary 10-day plate was issued by the dealer.

QUESTION:

If a vehicle is sold to a private party by a dealer on an "as is, where is" basis, must the dealer inspect the vehicle and issue a temporary plate?

ANSWER:

See opinion.

OPINION:

There is no provision of the law making it mandatory that a dealer issue temporary plates when he sells a motor vehicle. See chapter 22, section 31-A. If the dealer does attach temporary plates to a motor vehicle sold by him, it is evidence that the vehicle was "to be released for operation upon the highway." This would be true whether sold "as is, where is" or with a warranty. In such a case the dealer must inspect the motor vehicle and put a sticker upon it.

The problem arises when the vehicle is sold "as is, where is" and the dealer does not attach temporary plates. The purchaser then registers the motor vehicle and drives it away without it being inspected. The purchaser may be arrested for operating an uninspected motor vehicle. C. 15, § 13-A.

The question then arises as to whether the dealer sold the motor vehicle "to be released for operation upon the highways" without inspecting it. I cannot find any provision of the statutes which requires a dealer to inspect and place an inspection sticker on every motor vehicle sold by him to a private party. It is only

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when the dealer sells a motor vehicle "to be released for operation upon the highway" that the dealer has a duty to inspect it and place a proper sticker on it.

I believe that situations may arise where a dealer is not responsible for failing to inspect a motor vehicle he has sold to a private party. The purchaser may represent that he is going to get a truck to haul the vehicle away to a place where the purchaser will, on his own, make repairs and get the vehicle in condition to pass inspection. Instead of doing this, he registers the vehicle and, unknown to the dealer, drives the wreck off and is picked up. Under such circumstances I cannot believe the dealer is responsible. He has not sold the motor vehicle "to be released for operation upon the highway."

George C. West
Deputy Attorney General

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