

MAINE STATE LEGISLATURE

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1 FIRST REGULAR SESSION
2

3 ONE HUNDRED AND TWELFTH LEGISLATURE
4

5 Legislative Document

No. 1024

7 H.P. 714

House of Representatives, March 13, 1985

8 On motion of Representative Brannigan of Portland, referred to the
9 Committee on Business and Commerce. Sent up for concurrence and ordered
printed.

10 EDWIN H. PERT, Clerk

11 Presented by Representative Brannigan of Portland.
Cosponsored by Representative Murray of Bangor.

12 STATE OF MAINE
13

14 IN THE YEAR OF OUR LORD
15 NINETEEN HUNDRED AND EIGHTY-FIVE
16

17 AN ACT To Provide Consumers who Purchase
18 Automobiles with Tampered Odometers with
19 Additional Remedies.
20

21 Be it enacted by the People of the State of Maine as
22 follows:

23 Sec. 1. 29 MRSA §365, sub-§2-A is enacted to
24 read:

25 2-A. Consumers' remedies. In addition to any
26 other remedy, if a used car dealer, as defined in Ti-
27 tle 10, section 1471, subsection 2, sells a motor ve-
28 hicle with an odometer which indicates that the vehi-
29 cle has been driven at least 1,000 miles less than
30 the number of miles the vehicle has actually been
31 driven, the purchaser may return the vehicle to the
32 dealer and obtain from the dealer a return of the
33 purchaser's full purchase price as set forth in this
34 subsection.

1 A. The dealer shall be obligated to return to
2 the purchaser his purchase price only upon re-
3 ceipt from the purchaser of a written certifica-
4 tion by the Secretary of State, Division of Motor
5 Vehicle, that the mileage reading on the odometer
6 on the motor vehicle at the time of sale differed
7 from the number of miles the vehicle had actually
8 been driven by at least 1,000 miles.

9 B. The dealer is obligated to return the pur-
10 chase price of the vehicle only if the purchaser
11 returns the vehicle and tenders the certification
12 from the Secretary of State, Division of Motor
13 Vehicle, within one year of the date of purchase
14 of the motor vehicle.

15 C. The dealer is obligated to accept return of
16 the vehicle and return the purchase price whether
17 or not the dealer knew at the time the vehicle
18 was sold that the odometer reading differed from
19 the number of miles the vehicle had actually been
20 driven by more than 1,000 miles.

21 D. The purchase price of a vehicle shall include
22 the price paid by the purchaser for the vehicle,
23 all taxes and other charges and the value of any
24 vehicle traded in to the dealer as part of the
25 transaction.

26 **Sec. 2. 29 MRSA §365, sub-§3, as enacted by PL**
27 **1981, c. 437, §14, is repealed and the following en-**
28 **acted in its place:**

29 3. Penalty. A violation of any provision of
30 this section shall constitute a violation of Title 5,
31 chapter 10, unfair trade practices laws. In addition
32 to any other remedy, if a dealer violates subsection
33 2-A, he shall be liable to the purchaser in an amount
34 determined by the court of not less than \$100 nor
35 more than \$1,000 as liquidated damages.

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STATEMENT OF FACT

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The purpose of this bill is to facilitate the re-
turn of used vehicles when the vehicles have been
sold with rolled back or tampered odometers.

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