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**IDAPA 39
TITLE 02
CHAPTER 11**

39.02.11 – RULES GOVERNING ODOMETER READINGS ON TITLE RECORDS

000. LEGAL AUTHORITY.

This rule is adopted under the authority of Sections 49-201, 49-504 and 49-507, Idaho Code. (12-26-90)

001. TITLE AND SCOPE.

This rule is titled IDAPA 39.02.11, “Rules Governing Odometer Readings on Title Records,” and provides a method to record odometer readings on title records and title documents. This rule is intended to deter unauthorized or fraudulent alterations of odometer readings, and explain related penalties. (12-26-90)

002. -- 009. (RESERVED)

010. DEFINITIONS.

01. Mileage. Actual distance that a vehicle has traveled. (12-26-90)

02. Transferee. Any person to whom the ownership of a motor vehicle is transferred, or any person who, as agent, accepts transfer of ownership of a motor vehicle for another, by purchase, gift or any means other than creation of a security interest. (12-26-90)

03. Transferor. Any person who transfers vehicle ownership or any person who, as agent, transfers the ownership of another’s motor vehicle by sale, gift or any means other than creation of a security interest. (12-26-90)

011. -- 099. (RESERVED)

100. PROCEDURES.

01. Department Requirement. The Department shall enter the odometer reading as provided by a dealer or private seller on the Certificate of Title when printed. (12-26-90)

02. Used Vehicle Transferor/Seller Requirements. When a used vehicle is transferred, the transferor shall record the odometer reading on the title certificate using indelible ink. If the vehicle has not been titled or if the title does not contain a space for the information required, the written disclosure shall be executed as a separate statement. (12-26-90)

03. New Vehicle Transferor/Seller Requirements. When a new vehicle is retailed, the transferor shall provide a written disclosure on the Manufacturer’s Certificate of Origin or on a separate document. (12-26-90)

04. Use of Power of Attorney. When the transferor’s title is physically held by a lienholder, or if the transferor to whom the title was issued by the State has lost his title and the transferee obtains a duplicate title on behalf of the transferor, the transferor may give a power of attorney to his transferee for the purposes of mileage disclosure. (12-26-90)

05. Reassignments. When all available reassignments on a title certificate have been used, subsequent reassignments shall be made on a separate reassignment document. (12-26-90)

101. -- 199. (RESERVED)

200. EXEMPTIONS.

01. Transferor/Seller Exemptions. A transferor of the following motor vehicles is not required to disclose the vehicle’s odometer reading: (12-26-90)

a. A vehicle having a gross vehicle weight rating over sixteen thousand (16,000) pounds; (12-26-90)

- b.** A vehicle which is not self-propelled; (12-26-90)
- c.** A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications; (12-26-90)
- d.** A vehicle which is ten (10) years old or older. To calculate the vehicle's age, simply subtract the model year from the calendar year. (12-26-90)
- 02. Manufacturers' Exemptions.** A manufacturer of a new vehicle may transfer, for purposes of resale, to a franchised dealer without disclosure of the vehicle's odometer. (12-26-90)

201. -- 299. (RESERVED)

300. PENALTIES.

- 01. False or Incomplete Readings.** It shall be a violation of this rule for a transferor to knowingly give a false or incomplete odometer reading. (12-26-90)
- 02. Dealer's License Suspension.** In addition to the felony violations specified in Section 49-518, Idaho Code, any dealer, or agent of any dealer, who violates this rule may be subject to suspension of his dealer or salesperson license, or privilege of being licensed for a period not to exceed six (6) months. However, such person may request a hearing before the Dealer Advisory Board as provided for by Section 49-1618, Idaho Code. (12-26-90)

301. -- 999. (RESERVED)

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