

Chapter Trans 154

VEHICLE ODOMETER DISCLOSURE REQUIREMENTS

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Trans 154.01 Purpose and scope. The purpose of this chapter is to establish the department's administrative interpretation of ss. 218.01 (7a), 218.33, 218.52, 341.10, 342.01, 342.05, 342.06, 342.10, 342.11, 342.14, 342.15, 342.155, 342.156, 342.157, 342.16, 342.18, 342.23, 342.25, 342.255, 342.32 and 347.415, Stats., relating to the implementation of the provisions of the federal odometer law, 49 USC 32701 to 32711, as they affect regulation of vehicle odometers, odometer mileage disclosure, odometer record keeping requirements, and titling by distributors, wholesalers, manufacturers, motor vehicle dealers, mobile home dealers, motor vehicle salvage dealers, motor vehicle auction dealers, moped dealers, motor vehicle salvage pools, and nonresidents.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.02 Definitions. The words and phrases defined in ch. 340, Stats., and ss. 342.01 (2), 218.01 (1), 218.10, 218.20, 218.30, 218.40 and 218.50, Stats., have the same meaning in this chapter unless a different definition is specifically provided. In this chapter:

(1) "Assign ownership" or "assigning ownership" means the act or process of transferring ownership of a motor vehicle by the owner named on the certificate of title.

(2) "Conforming" means a certificate of title or vehicle ownership document, a supplemental transfer of ownership document or a power of attorney form is printed using a secure printing process or other secure process and contains the odometer disclosure statement language required by federal and Wisconsin law.

(3) "Consignor" means the owner of a privately titled motor vehicle who has contracted with a licensed retail dealer to sell the motor vehicle on the owner's behalf.

(4) "Dealer consignee" means a licensed retail dealer with whom the owner of a privately titled motor vehicle has contracted for the sale of the motor vehicle to a third party purchaser.

(5) "Department" means the department of transportation.

(6) "TRP" means the international registration plan.

(7) "Nonconforming" means a certificate of title or any supplemental transfer of ownership document does not contain the odometer disclosure statement language required by federal and Wisconsin law and is not set forth by means of a secure printing process or other secure process.

(8) "Reassign ownership" or "reassigning ownership" means the act or process of transferring ownership of a motor vehicle by a licensed dealer or wholesaler if the vehicle was acquired for the purpose of resale and for which the dealer or wholesaler has not applied for or obtained title in the dealer's or wholesaler's own name.

(9) "Secure printing process or other secure process" means any process which deters and detects counterfeiting or unauthorized reproduction, or both, and allows alterations to be visible to the naked eye.

(10) "Separate conforming odometer disclosure statement" means a statement which is separate from the certificate of title or any other document which is used to assign or reassign ownership and which includes odometer disclosure language required by federal and Wisconsin law.

(11) "Title," "certificate" and "certificate of title" means a document issued by a jurisdiction to evidence ownership of a vehicle.

(12) "Wisconsin dealer" means a dealer licensed in Wisconsin.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.03 Assigning and reassigning ownership.

(1) **RESPONSIBILITIES OF OWNER OR AGENT OF OWNER.** When transferring ownership of a previously titled motor vehicle, the owner named on the certificate of title or the agent of the owner shall complete the assignment of ownership and odometer disclosure in the following manner:

(a) *Assignment of ownership and odometer disclosure when using a nonconforming title.* If the motor vehicle being transferred is titled with a nonconforming title, the assignment of ownership shall be made in the designated spaces on the certificate of title. The odometer disclosure statement shall be made on a separate conforming odometer disclosure statement which has been issued or approved by the department.

(b) *Assignment of ownership and odometer disclosure when using a conforming title.* If the motor vehicle being transferred is titled with a conforming title, the assignment of ownership and odometer disclosure shall be made in the designated spaces on the certificate of title.

(2) **RESPONSIBILITIES OF DEALER WHEN REASSIGNING OWNERSHIP OF A MOTOR VEHICLE WHICH HAS NOT BEEN PREVIOUSLY TITLED OR REGISTERED.** When reassigning ownership of a motor vehicle which has not been previously titled or registered, a dealer shall complete the reassignment of ownership and odometer disclosure in the following manner:

(a) *Reassignments by Wisconsin dealer on a manufacturer's document of origin.* To reassign ownership, a dealer shall complete the reassignment of ownership and odometer disclosure in the designated spaces on the manufacturer's document of origin.

1. If the document of origin does not include a conforming odometer disclosure statement, the odometer disclosure statement shall be completed on a separate conforming odometer disclosure statement which has been issued or approved by the department. The reassignment of ownership shall be completed on the manufacturer's document of origin.

2. If the manufacturer's document of origin does not include available spaces for the reassignment of ownership, both the reassignment and odometer disclosure shall be completed on a conforming supplemental reassignment and odometer disclosure statement which has been issued or approved by the department.

(b) *Reassignment by out-of-state dealer on a manufacturer's document of origin.* If the reassigning dealer is licensed in another jurisdiction, the reassignment of ownership and the required odometer disclosure shall be completed as required in sub. (1) or, if the laws of the jurisdiction in which the reassigning dealer is licensed do not require reassigning dealers to provide dealer assignees with an odometer disclosure statement for the vehicles, a Wisconsin dealer assignee is not responsible for obtaining an odometer disclosure statement from the reassigning dealer.

(c) *Reassignment and odometer disclosure by Wisconsin dealer on conforming application for title and registration form.* Notwithstanding the requirements of par. (a), if the motor vehicle is reassigned by a Wisconsin dealer to a person who is required to apply for a Wisconsin title, the required reassignment of ownership and odometer disclosure may be made on a conforming application for title and registration form or a conforming supplemental reassignment and odometer disclosure statement which has been issued or approved by the department.

(3) **RESPONSIBILITIES OF DEALER OR WHOLESALER WHEN REASSIGNING OWNERSHIP AND DISCLOSING ODOMETER READING OF A PREVIOUSLY TITLED MOTOR VEHICLE.** When reassigning ownership of a previously titled motor vehicle, the reassignment and odometer disclosure shall be completed in the following manner:

(a) *Reassignment by dealer or wholesaler when using a conforming Wisconsin title.* 1. If the transferor is a dealer or wholesaler licensed in Wisconsin or in another state and the vehicle is titled with a conforming Wisconsin title, the reassignment of ownership and odometer disclosure shall be made in the designated spaces on the certificate of title.

2. If the reassignment is made by a Wisconsin dealer to a person who is required to make an application for a Wisconsin certificate of title, the reassignment of ownership and odometer disclosure may be made on a conforming application for title and registration form which has been issued or approved by the department.

3. If the transferor is a dealer licensed in another state and the laws or regulations of the state so permit, the reassignment and odometer disclosure may be made on a conforming supplemental reassignment and odometer disclosure statement issued by the state.

(b) *Reassignment of ownership by Wisconsin dealer or wholesaler when using a conforming title issued by another jurisdiction.* If the transferor is a Wisconsin dealer or wholesaler and the vehicle is titled with a conforming title issued by another jurisdiction, the reassignment and odometer disclosure shall be made in the designated spaces on the certificate of title.

1. If no available spaces exist on the certificate of title for the reassignment and odometer disclosure, the dealer or wholesaler shall make application for a certificate of title which names the dealer or wholesaler as owner.

2. If no available spaces exist on the certificate of title for reassignment and odometer disclosure and the dealer reassigns ownership to a retail purchaser who is required to apply for a Wisconsin title, the reassigning dealer may complete the reassignment of ownership and odometer disclosure on a conforming application for title and registration which has been issued or approved by the department.

(c) *Reassignment by a dealer or wholesaler licensed in another state when using a conforming title issued by another jurisdiction.* 1. If the transferor is a dealer or wholesaler licensed in another state and the vehicle is titled with a conforming title issued by another jurisdiction, the reassignment of ownership and odometer disclosure shall be completed in the designated spaces on the certificate of title.

2. If the laws of the jurisdiction which issued the conforming title or the laws of the jurisdiction in which the reassigning dealer or wholesaler is licensed so permit, the reassignment and odometer disclosure may be completed on a conforming reassignment

and odometer disclosure statement which was issued or approved by the jurisdiction.

(d) *Reassignment by dealer or wholesaler when using a nonconforming title.* 1. If the transferor of a motor vehicle is a dealer or wholesaler licensed in Wisconsin or another state and the motor vehicle is titled with a nonconforming certificate of title which includes a conforming odometer disclosure statement and spaces for the reassignment of ownership by a dealer, the reassignment of ownership and odometer disclosure shall be completed on the certificate of title.

2. If the nonconforming title does not include a conforming odometer disclosure statement, the reassignment of ownership may be completed in the designated spaces on the certificate of title, if available, and the odometer disclosure statement shall be completed on a separate conforming odometer disclosure statement.

3. If the nonconforming title does not include available spaces for the reassignment of ownership, the reassignment of ownership and odometer disclosure shall be completed on a conforming statement which has been issued or approved by the department.

4. If the reassignment of ownership is made by a Wisconsin dealer to a person who is required to make application for a Wisconsin title, the reassignment and odometer disclosure may be made on a conforming application for title and registration which has been issued or approved by the department.

5. Notwithstanding the requirements of this section, if the reassignment is made by a dealer licensed in another state and the laws of the state so permit, the reassignment and odometer disclosure may be made on a conforming statement which has been issued or approved by the state.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.04 Odometer disclosure for transferors and transferees. (1) **TRANSFEROR TO DISCLOSE MILEAGE TO TRANSFEREE.** When transferring ownership of a motor vehicle, each transferor shall disclose the vehicle's mileage to the transferee in writing in the designated spaces on a conforming title, on a separate conforming odometer disclosure statement which has been issued or approved by the department as prescribed in s. Trans 154.03, or on the conforming power of attorney form as prescribed in s. Trans 154.11. The completed odometer disclosure shall be delivered by the transferor to the transferee at the time ownership of the motor vehicle is transferred.

(2) **REQUIRED ODOMETER DISCLOSURE INFORMATION.** The written odometer disclosure shall include all of the following:

(a) The odometer reading at the time of transfer, not including tenths of miles. The transferor shall certify the odometer reading as one of the following:

1. If, to the best of the transferor's knowledge, the odometer reading reflects the actual mileage, the transferor shall include a certification to that effect.

2. If the transferor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, the transferor shall include a certification to that effect.

3. If the transferor knows that the odometer reading differs from the vehicle's mileage and that the difference is greater than that caused by odometer calibration error, the transferor shall include a certification that the odometer reading is not actual mileage. This statement shall alert the transferee that a discrepancy exists between the odometer reading and the actual mileage.

4. If, due to an accident, fire or other random occurrence, the odometer reading of the motor vehicle being transferred cannot be read, the transferor shall indicate in the spaces designated for the odometer reading on a conforming odometer statement a reading of 0 (zero) or a recent reading that can be documented, such as on an odometer statement, emission inspection report or repair invoice, and shall certify that the odometer reading is not actual

mileage. This statement shall alert the transferee that a discrepancy exists between the odometer reading and the actual mileage.

- (b) The date of the transfer.
- (c) The transferor's name and current address.
- (d) The transferee's name and current address.
- (e) The description of the vehicle, including its make, model, year, body type and its vehicle identification number.

(3) **REFERENCE TO FEDERAL AND STATE REQUIREMENTS AND PENALTIES.** The disclosure statement shall state that the disclosure is required by federal and state law and that failure to complete the disclosure statement or providing false information may result in fines or imprisonment, or both, and may make the transferor liable for damages to the transferee.

(4) **TRANSFEROR'S SIGNATURE AND PRINTED NAME REQUIRED.** The disclosure statement shall be signed by the transferor and include the transferor's printed name. If the person signing the statement is signing as an authorized agent or employe of any firm or corporation, the printed name of the firm or corporation and the printed name of the person signing shall be included.

(5) **TRANSFEEE'S SIGNATURE AND PRINTED NAME REQUIRED.** The disclosure statement shall be signed by the transferee and include the transferee's printed name. If the person signing the statement is signing as an authorized agent or employe of any firm or corporation, the printed name of the firm or corporation and the printed name of the person signing shall be included.

(6) **PROHIBITION AGAINST SAME PERSON SIGNING AS TRANSFEROR AND TRANSFEEE.** Except as provided in ss. Trans 154.10 and 154.11, no person may sign an odometer disclosure statement as both the transferor and transferee in the same transaction.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.05 Exemptions from odometer disclosure requirements. The transferor of any of the following motor vehicles is not required to disclose the vehicle's odometer mileage:

- (1) A vehicle that is not self-propelled.
- (2) A moped.
- (3) A vehicle that is 10 years old or older.

Note: For purposes of sub. (3), "years old" refers to model years as designated by the manufacturer. Use the following formula to determine if the vehicle is 10 or more model years old: Current calendar year minus 10 equals the most recent exempt model year. For example: Current calendar year of 1995 - 10 = 1985 model year; thus, 1985 and older vehicles are exempt.

(4) A vehicle with a gross vehicle weight rating of more than 16,000 pounds. This means a motor vehicle which is or has in the past been registered in Wisconsin or any other state at a gross weight exceeding 16,000 pounds.

(5) A vehicle sold directly by the manufacturer to any agency of the United States in conformity with contractual specifications.

(6) A new motor vehicle acquired by a dealer directly from a manufacturer.

(7) A new motor vehicle acquired by a Wisconsin dealer from a dealer licensed in another state which does not require dealers licensed in that state to disclose odometer mileage when reassigning ownership of a new motor vehicle to another dealer.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.06 Odometer disclosure for auction dealers and salvage pools. (1) When a motor vehicle, including a salvage vehicle, is sold through an auction dealer or salvage pool, the transferor and transferee shall comply with the requirements relating to assignment or reassignment of ownership and odometer disclosure as specified in s. Trans 154.03.

(2) The auction dealer or salvage pool through which a motor vehicle is sold shall print its business name, auction or wholesaler license number as assigned by the department and the date the motor vehicle was sold in the designated spaces on the certificate of title or conforming supplemental reassignment statement. If the certificate of title or the document used to assign or reassign own-

ership of the motor vehicle does not include spaces designated for the auction or salvage pool notation, the auction dealer or salvage pool shall, in a manner so as not to obscure or obliterate information already included thereon, clearly and conspicuously print or stamp its business name, license number and date of sale in the left margin of the certificate of title or document in a location immediately adjacent to the assignment or reassignment of ownership which was completed by the transferor. If the left margin does not include sufficient space for the printing or stamp, the required information shall be printed or stamped in a clear space on the face of the certificate of title.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.07 Odometer disclosure for leased motor vehicles. (1) **LESSOR'S NOTICE TO LESSEE.** Prior to transferring ownership of any motor vehicle, the lessor of a leased motor vehicle shall notify the lessee in writing that the lessee is required to provide a written odometer disclosure to the lessor. This notice shall state that the disclosure is required by federal and state law and that failure to complete the disclosure statement or providing false information may result in fines or imprisonment, or both, and may make the lessee liable for damages to the lessor.

(2) **REQUIREMENTS RELATING TO LESSEE'S ODOMETER DISCLOSURE TO LESSOR.** In connection with the transfer of ownership of a leased motor vehicle, the lessee shall furnish to the lessor a written statement regarding the mileage of the vehicle. This statement shall be signed by the lessee and, in addition to the information required by sub. (1), shall contain all of the following information:

- (a) The printed name of the person making the disclosure.
- (b) The current odometer reading, not including tenths of miles. The lessee shall certify the odometer reading as one of the following:

1. If, to the best of the lessee's knowledge, the odometer reading reflects the actual mileage, the lessee shall include a certification to that effect.

2. If the lessee knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, the lessee shall include a certification to that effect.

3. If the lessee knows that the odometer reading differs from the vehicle's mileage and that the difference is greater than that caused by odometer calibration error, the lessee shall include a certification that the odometer reading is not actual mileage. This statement shall alert the lessor that a discrepancy exists between the odometer reading and the actual mileage.

4. If, due to an accident, fire or other random occurrence, the odometer reading of the motor vehicle being transferred cannot be read, the lessee shall indicate in the spaces designated for the odometer reading on a conforming odometer statement a reading of 0 (zero) or a recent reading that can be documented, such as on an odometer statement, emission inspection report or repair invoice, and shall certify that the odometer reading is not actual mileage. This statement shall alert the lessor that a discrepancy exists between the odometer reading and the actual mileage.

- (c) The date of the statement.
- (d) The lessee's name and current address.
- (e) The lessor's name and current address.
- (f) The identity of the vehicle, including its make, model, year, body type and vehicle identification number.

(g) The date that the lessor notified the lessee of the disclosure requirements.

(h) The date that the completed disclosure statement was received by the lessor.

(i) If the lessor transfers the leased vehicle without obtaining possession of it, the lessor may indicate on the certificate of title the vehicle's mileage disclosed by the lessee under this section, unless the lessor has reason to believe that the disclosure by the lessee does not reflect the actual mileage of the vehicle.

(j) The lessee's signature.

Note: Transfer of ownership to lessee or some other person occurs after the termination of the lease.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.08 Odometer disclosure for consignment sales. (1) REQUIRED ODOMETER DISCLOSURE FROM CONSIGNOR TO DEALER CONSIGNEE. When a motor vehicle is offered for sale under a consignment agreement, as specified under s. Trans 138.04 (1) (b), the consignor shall complete and deliver to the dealer consignee a separate conforming odometer disclosure statement which has been issued or approved by the department. The written odometer disclosure shall include all of the following:

(a) The odometer reading at the time the consignment agreement is completed, not including tenths of miles. The consignor shall certify the odometer reading as one of the following:

1. If, to the best of the consignor's knowledge, the odometer reading reflects the actual mileage, the consignor shall include a certification to that effect.

2. If the consignor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, the consignor shall include a certification to that effect.

3. If the consignor knows that the odometer reading differs from the vehicle's mileage and that the difference is greater than that caused by odometer calibration error, the consignor shall include a certification that the odometer reading is not actual mileage. This statement shall alert the dealer consignee that a discrepancy exists between the odometer reading and the actual mileage.

4. If, due to an accident, fire or other random occurrence, the odometer reading of the motor vehicle being transferred cannot be read, the consignor shall indicate in the spaces designated for the odometer reading on a conforming odometer statement a reading of 0 (zero) or a recent reading that can be documented, such as on an odometer statement, emission inspection report or repair invoice, and shall certify that the odometer reading is not actual mileage. This statement shall alert the dealer consignee that a discrepancy exists between the odometer reading and the actual mileage.

(b) The date the consignment agreement is completed.

(c) The consignor's name and current address.

(d) The dealer consignee's name and current address.

(e) The description of the vehicle, including make, model, year, body type and vehicle identification number.

(2) REFERENCE TO FEDERAL AND STATE REQUIREMENTS AND PENALTIES. The disclosure statement shall state that the disclosure is required by federal and state law and that failure to complete the disclosure statement or providing false information may result in fines or imprisonment, or both, and may make the consignor liable for damages to the dealer consignee.

(3) CONSIGNOR'S SIGNATURE AND PRINTED NAME REQUIRED. The disclosure statement shall be signed by the consignor and include the consignor's printed name. If the person signing the statement is signing as an authorized agent or employe of any firm or corporation, the printed name of the firm or corporation and the printed name of the person signing shall be included.

(4) DEALER CONSIGNEE'S SIGNATURE AND PRINTED NAME REQUIRED. The disclosure statement shall be signed by the dealer consignee and include the transferee's printed name. If the person signing the statement is signing as an authorized agent or employe of any firm or corporation, the printed name of the firm or corporation and the printed name of the person signing shall be included.

(5) SHOWING CONSIGNOR'S ODOMETER DISCLOSURE TO PROSPECTIVE PURCHASER. Prior to the sale of a motor vehicle, the dealer consignee shall show each prospective retail purchaser the odometer disclosure statement which was completed by the consignor.

(6) CONSIGNOR'S AND DEALER CONSIGNEE'S RESPONSIBILITY UPON SALE OF THE CONSIGNED MOTOR VEHICLE. Upon sale of a con-

signed motor vehicle, the consignor shall complete the odometer disclosure statement and the assignment of ownership to the dealer consignee on the conforming certificate of title for the vehicle. If a consigned motor vehicle is titled with a nonconforming title, the consignor shall complete the assignment of ownership to the dealer consignee on the certificate of title and the vehicle's odometer disclosure statement on a separate conforming odometer disclosure statement. The dealer consignee shall complete the dealer reassignment, including the odometer disclosure statement, to the purchaser and shall, as required in s. 342.16 (1) (a), Stats., submit the purchaser's application for certificate of title to the department. If the purchaser is not a resident of this state, or is not required to register the motor vehicle in this state, the dealer consignee shall, in lieu of submitting the purchaser's application for title to the department, deliver the documents to the purchaser.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.09 Odometer disclosure for repaired or replaced odometers. (1) REQUIREMENTS AND DISCLOSURE WHEN ODOMETER REPAIRED OR REPLACED. An odometer may be serviced, repaired or replaced, provided the vehicle's mileage indicated thereon remains the same as before the service, repair or replacement. The transferor may disclose that the odometer reading reflects the actual mileage at the time of sale. If the odometer is incapable of registering the same mileage as before the service, repair or replacement, the odometer shall be adjusted to zero. A written notice shall be attached, by the owner or an agent, to the left door frame of the motor vehicle, or other location prescribed by the department. The notice shall specify the vehicle's mileage prior to the service, repair or replacement of the odometer and the date on which it was serviced, repaired or replaced. No person may remove the notice. The transferor shall disclose that the odometer reading does not reflect the actual mileage.

(2) REPLACEMENT OF ODOMETER WHICH REGISTERS KILOMETERS WITH ODOMETER WHICH REGISTERS MILES. If the vehicle being transferred was originally equipped with an odometer which registered the distance traveled in kilometers and the odometer is replaced with one that registers the distance traveled in miles, the transferor may disclose that the odometer reading reflects the actual mileage, providing that the replacement odometer was calibrated to reflect the equivalent accumulated miles as was reflected in kilometers on the odometer being replaced. The equivalency in miles shall be determined by multiplying the odometer reading in kilometers by .62. If, under these circumstances, the odometer is not calibrated as described in this subsection, the vehicle's mileage shall be disclosed as not being the actual mileage.

(3) ODOMETER DISCLOSURE OF VEHICLE OPERATED WITH MALFUNCTIONING OR INOPERATIVE ODOMETER. If a motor vehicle continues to be operated between the time its odometer malfunctioned and the time the odometer is repaired or replaced, the transferor may disclose that the odometer reading reflects the actual mileage only if all of the following conditions are satisfied:

(a) The malfunctioning odometer is repaired or replaced within 30 days after the date the odometer began to malfunction.

(b) A good faith estimate can be made of the miles traveled by the motor vehicle between the time the odometer malfunctioned and the time the odometer was repaired or replaced.

(c) The repaired or replaced odometer is calibrated to reflect the vehicle's mileage reading which was on the odometer at the time it malfunctioned, plus the number of miles which the motor vehicle was operated between the time of the odometer's malfunctioning and the time of its repair or replacement. If, under these circumstances, the odometer is not calibrated as described in this paragraph, the odometer reading shall be disclosed by the transferor as not being the actual mileage.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.10 Odometer disclosure for transfers of ownership by involuntary divestiture by transferee.

When ownership of a motor vehicle is transferred by an involuntary divestiture, the odometer disclosure statement may be completed by the owner or legally-designated representative of the owner who has knowledge of the vehicle's mileage of the vehicle at the time of transfer. If the statement, it shall be completed by the person who assumes ownership by involuntary divestiture. The odometer reading which is disclosed on the odometer disclosure statement shall be the reading on the odometer at the time of transfer and, unless the person assuming ownership has reason to believe that the odometer reading is not the actual mileage or the mileage is in excess of the odometer's designed mechanical limits, the mileage may be certified on the odometer disclosure statement as the actual mileage. Otherwise, the mileage must be certified as not actual or in excess of mechanical limits, as appropriate.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.11 Requirements and conditions for using conforming power of attorney forms to complete odometer disclosure statements. (1) **WHEN POWER OF ATTORNEY MAY BE USED FOR ODOMETER DISCLOSURE.** Upon transfer of ownership of a motor vehicle, the transferor may grant the transferee power of attorney for the purpose of completing the required odometer disclosure statement and transfer of ownership only if the transferor's title is physically held by a secured party at the time ownership of the motor vehicle is transferred.

(2) **SPECIFICATIONS FOR POWER OF ATTORNEY FORM.** Any power of attorney form used under the circumstances described in this section shall be subject to the following conditions and requirements:

(a) The power of attorney form shall be issued by the department only to the transferee and shall be printed by a secure printing process which complies with the requirements of 49 USC 32705 (b) (2) (A).

(b) The power of attorney form shall include the descriptive language and spaces needed for the disclosure of the information required under this subsection and sub. (3).

(c) The power of attorney form shall include language appointing the transferee as attorney-in-fact for the purpose of completing the required odometer disclosure statement.

(d) The power of attorney form shall include language that states that federal and state odometer law requires the person granted power of attorney to state the vehicle's mileage in connection with the transfer of ownership and further states that failure on the part of the person granted power of attorney to complete the statement, providing false information, or failure to submit the original copy of the power of attorney to the department may result in civil forfeitures, fines or imprisonment.

(e) The power of attorney form shall include language certifying that the transferee who is exercising a power of attorney has disclosed on the certificate of title or any supplemental reassignment documents the vehicle's mileage as it was provided to the person exercising power of attorney on the power of attorney form and, in addition, a statement to the effect that the person exercising the power of attorney has examined the certificate of title and any reassignment documents and that the odometer disclosure statement made on the certificate of title pursuant to the power of attorney is at least as great as that previously stated on the certificate of title and any reassignment documents. The certification shall also include spaces for each of the following:

1. The signature, printed name and address of the person exercising the power of attorney.

2. The date of the certification.

(3) **RESPONSIBILITIES OF TRANSFEROR.** In connection with the transfer of ownership of a motor vehicle, a transferor whose certificate of title is physically held by a secured party and who elects to give the transferee power of attorney for the purpose of mileage disclosure and transfer of ownership shall appoint the transferee as the attorney-in-fact for such purpose and disclose the vehicle's

mileage on a conforming power of attorney form issued by the department. The written odometer disclosure shall be signed by the transferor, and include the transferor's printed name in the spaces provided on the statement. In addition, the transferor shall complete the following information in the designated spaces provided on the power of attorney form and deliver it to the transferee:

(a) The odometer reading at the time of transfer, not including tenths of miles. The transferor shall certify the odometer reading as one of the following:

1. If, to the best of the transferor's knowledge, the odometer reading reflects the actual mileage, the transferor shall include a certification to that effect.

2. If the transferor knows that the odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit, the transferor shall include a certification to that effect.

3. If the transferor knows that the odometer reading differs from the vehicle's mileage and that difference is greater than that caused by odometer calibration error, the transferor shall include a certification that the odometer reading does not reflect the actual mileage and should not be relied upon. This statement shall alert the transferee that a discrepancy exists between the odometer reading and the actual mileage.

(b) The date of transfer.

(c) The transferor's name and current address.

(d) The transferee's name and current address.

(e) The identity of the vehicle, including the make, model, year, body type and vehicle identification number.

(f) The transferee's signature.

(4) **RESPONSIBILITIES OF TRANSFEE.** The transferee, upon receipt of the power of attorney form from the transferor, shall, in the designated spaces, sign the power of attorney, include the transferee's printed name and return a copy of the power of attorney to the transferor. Upon receipt of the transferor's title from the secured party, the transferee shall complete the transfer of ownership and perform each of the following:

(a) Complete the space for odometer disclosure on the certificate of title exactly the same as the vehicle's mileage which was disclosed by the transferor on the power of attorney form. If the certificate of title does not include a conforming odometer disclosure statement, the odometer disclosure statement shall be completed on a separate conforming odometer disclosure statement.

(b) Complete a certification disclosing on the certificate of title the vehicle's mileage as it was provided on the power of attorney form, and that upon examination of the certificate of title and any reassignment documents, the odometer disclosure statement made on the certificate of title pursuant to the power of attorney is at least as great as that previously stated on the certificate of title and reassignment documents. The certification shall be completed in the designated space on the same form as that on which the power of attorney was executed and shall include each of the following:

1. The signature, printed name and address of the person exercising the power of attorney.

2. The date of the certification.

(5) **DISPOSITION OF COMPLETED POWER OF ATTORNEY.** (a) If the transferee is a dealer and is named as the transferor's agent by a conforming power of attorney and the dealer transfers ownership to a retail purchaser who is required to apply for a Wisconsin title, or if the dealer chooses to apply for a Wisconsin title pursuant to s. Trans 154.13 in the dealer's own name, the dealer shall include with the application for title the original copy of the completed conforming power of attorney form.

(b) If the transferor is a dealer and is named as the transferor's agent by a conforming power of attorney and reassigns ownership in a wholesale transaction to another dealer prior to having obtained a certificate of title naming the transferor as owner, the

transferor shall submit the original copy of the completed power of attorney and a photocopy of the front and back of the certificate of title and any supporting documents to the department within 7 business days of the date of the reassignment. The transferor shall furnish the transferee with a copy of the completed conforming power of attorney form along with all other documents which are necessary to complete the transaction.

(6) **SHOWING POWER OF ATTORNEY TO PROSPECTIVE PURCHASER.** Prior to the sale of a motor vehicle, a transferor who was granted a power of attorney by the previous owner and who holds title to the motor vehicle in the transferor's own name shall show to a prospective purchaser the copy of the previous owner's certificate of title and power of attorney form. If the transferor continues to hold the previous owner's certificate of title, the transferor shall show the certificate of title to a prospective purchaser, including the odometer disclosure statement which was completed on the certificate of title by the transferor as power of attorney for the previous owner, and the completed power of attorney form.

(7) **POWER OF ATTORNEY VOID WHEN MILEAGE INCONSISTENT.** If the vehicle's mileage indicated by the transferor on the power of attorney is inconsistent with that previously stated on the certificate of title and any reassignment documents, the power of attorney shall be void.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.12 Odometer records and retention requirements for dealers, wholesalers, lessors, auctions, salvage pools and salvage dealers. (1) **REQUIREMENTS FOR DEALERS AND WHOLESALERS.** Dealers and wholesalers who are required to execute an odometer disclosure statement upon transferring ownership of a motor vehicle shall retain for 5 years a photostat, carbon or other facsimile copy of each odometer disclosure statement which they issue and receive. They shall retain all odometer disclosure statements at their primary place of business in a manner that is appropriate to business requirements and that permits systematic and prompt retrieval, and the records shall be made available for inspection and copying by the department during reasonable business hours.

(2) **REQUIREMENTS FOR LESSORS OF MOTOR VEHICLES.** Lessors shall retain for 5 years following the day they transfer ownership of the leased motor vehicle each odometer disclosure statement which they receive from a lessee. They shall retain all odometer disclosure statements at their primary place of business in a manner that is appropriate to business requirements and that permits systematic and prompt retrieval and the records shall be made available for inspection and copying by the department during reasonable business hours.

(3) **ODOMETER RECORD RETENTION FOR AUCTION COMPANIES AND SALVAGE POOLS.** Each auction company or salvage pool shall, in an order and manner which is appropriate to business requirements and which permits systematic and prompt retrieval, establish and retain for 5 years following the date of sale of each motor vehicle all of the following records:

(a) The name and address of the most recent owner and of the dealer, wholesaler or insurance company who assigned or reassigned ownership at the auction or salvage pool.

(b) The name and address of the buyer or the name and address of the dealer, wholesaler or buyer identification card holder, or both, who purchased the motor vehicle through the auction or salvage pool sale.

(c) A description of the motor vehicle, including its make, year, model and vehicle identification number.

(d) The date on which the motor vehicle was sold through the auction or salvage pool.

(e) The odometer reading on the date the auction acquired the vehicle, including the qualifying notation which indicates whether the odometer reading reflects the actual mileage, or that the odometer reading does not reflect the actual mileage, or that the

odometer reading reflects the amount of mileage in excess of the designed mechanical odometer limit.

(4) **REQUIREMENTS FOR SALVAGE DEALERS.** (a) The following information shall be kept on odometers and electronic odometer chips sold or exchanged:

1. Year, make and vehicle identification number of the vehicle from which the odometer or odometer chip was removed.

2. Date of sale or exchange of odometer or odometer chip.

3. Name and address of purchaser of the odometer or odometer chip.

(b) Salvage dealers who sell, exchange or provide used odometers and electronic odometer chips shall maintain the information required in sub. (4) (a) at their primary place of business in an order and manner that is appropriate to business requirements and that permits systematic and prompt retrieval. The records shall be made available for inspection and copying by the department during reasonable business hours.

(c) Required information on odometers and electronic odometer chips must be recorded at the time of sale or exchange and retained for 5 years following the date of sale or exchange. These records are required only when the part is removed from a vehicle less than 10 years old and sold or exchanged as a separate part.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.13 Eligibility to apply for title by Wisconsin dealers and nonresidents. (1) **ELIGIBILITY OF WISCONSIN DEALER TO APPLY FOR TITLE IN OWN NAME.** A dealer or wholesaler licensed under ch. 218, Stats., may not apply for a Wisconsin certificate of title which names the dealer or wholesaler as owner of a vehicle unless any of the following occur:

(a) The title which has been assigned or reassigned to the dealer by the prior owner is a conforming title and all of the reassignment spaces on the title have been completed.

(b) The title which has been assigned or reassigned to the dealer by the prior owner is a nonconforming title.

(c) The motor vehicle has a gross vehicle weight rating of more than 16,000 pounds, or was previously registered in any state at a gross weight of more than 16,000 pounds.

(d) The issuance of a new title is necessary to correct information which had been written or printed on the title which was assigned or reassigned to the dealer, providing that the application for a corrected title by the dealer is supported by documentation as required by the department.

(e) The motor vehicle is a salvage vehicle and the dealer is required to apply for a salvage vehicle certificate of title pursuant to s. 342.15 (2), Stats.

(f) The motor vehicle is also being registered under ss. 341.267 or 341.47 (2), Stats. Any registration previously issued for a vehicle in the name of the dealer may not be transferred or reassigned to the vehicle unless at least 30 days have elapsed since the registration was assigned, reassigned or transferred to a vehicle currently registered in the dealer's name.

(g) The vehicle is being transferred to another dealer and the current title is one which had been held by the registered owner's secured party and on which the dealer applicant had completed an odometer disclosure statement via a conforming power of attorney form completed by the registered owner. This exception also applies if the registered owner's title is nonconforming and the dealer applicant, using the completed conforming power of attorney form, completes the registered owner's odometer disclosure statement on a separate conforming odometer disclosure statement.

(2) **ELIGIBILITY OF NONRESIDENT TO APPLY FOR A WISCONSIN CERTIFICATE OF TITLE IN OWN NAME.** (a) A nonresident may not apply for a Wisconsin title which names the nonresident as owner of a vehicle unless any of the following occur:

1. The vehicle owned by the nonresident is subject to a security interest and the issuance of a Wisconsin title is necessary to protect the interests of the secured party.

2. The vehicle owned or operated by the nonresident is registered or qualified for operation in Wisconsin pursuant to ss. 341.09, 341.40, Stats.

3. The nonresident is a leasing or rental company which rents or leases vehicles to persons who operate the vehicles in Wisconsin when the type or nature of the operation requires the vehicles to be registered and titled in Wisconsin.

4. The nonresident is a seasonal resident of Wisconsin who owns and makes application to register a vehicle which is domiciled and operated primarily in Wisconsin.

5. The nonresident owns a vehicle which is, because of the type or nature of its operation in Wisconsin, subject to registration in Wisconsin and the application for a Wisconsin title is made in conjunction with an application for registration.

6. The nonresident purchases a vehicle in Wisconsin and, prior to removing the vehicle from Wisconsin, operates the vehicle in a manner which requires the nonresident to register and title the vehicle in Wisconsin.

7. The nonresident is an insurance company that acquires ownership of a vehicle titled in Wisconsin through payment of a total loss claim and the insurance company makes application for a salvage vehicle certificate of title for the vehicle.

(b) A nonresident dealer may apply for Wisconsin title only in accordance with par. (a) 1.

(3) **ELIGIBILITY FOR REPLACEMENT TITLE.** Nothing in this section shall preclude a Wisconsin dealer or nonresident, including a nonresident dealer, from applying for a replacement Wisconsin certificate of title for a vehicle which is currently titled in the name of the Wisconsin dealer or nonresident.

(4) **TEMPORARY PLATES OR PERMITS.** For purposes of this section, temporary plates or permits are not considered as registration.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.14 Odometer disclosure statements to accompany application for title. (1) Except as provided in sub. (2), for each previously titled motor vehicle, each application for certificate of title shall be accompanied by the odometer disclosure statement which the transferor of a motor vehicle is required to provide to the transferee. If ownership of the vehicle was transferred to a dealer prior to its sale to a retail purchaser, the application for title shall include the titled owner's odometer disclosure statement to the dealer and all odometer disclosure statements which have been provided by dealers or wholesalers who have reassigned ownership of the vehicle prior to its sale to a retail purchaser.

(2) An application for title need not be accompanied by the odometer disclosure statement from an intermediate reassigning dealer if the odometer disclosure statement is one affected by the laws or regulations of another state which does not require a dealer transferring a vehicle to another dealer with the odometer disclosure statement of prior dealer transferors.

(3) Each application for title for a new motor vehicle shall be accompanied by the odometer disclosure statements which the dealer transferor is required to provide to the retail purchaser who is named as owner in the application for title.

History: Cr. Register, January, 1996, No. 481, eff. 2-1-96.

Trans 154.15 Odometer reading and notations required on title. (1) **TITLE TO INCLUDE ODOMETER READING.** Each certificate of title issued to a transferee by the department shall include a printed odometer reading to reflect the odometer reading which was disclosed by the transferor in conjunction with the transferor's assignment or reassignment of ownership and odometer disclosure to the transferee. If there is no transfer of owner-

ship involved and the department is issuing the certificate of title to the same owner as named on the previous title, the odometer reading and the associated date which is printed on the certificate of title shall be the same as that printed on the previous title, unless the odometer information is being corrected by the department.

(2) **TITLE TO INCLUDE NOTATION WHICH CLARIFIES ODOMETER READING.** Each certificate of title issued by the department shall include, in conjunction with the printed odometer reading, a notation which clarifies the odometer reading. The notation shall be based on the transferor's odometer disclosure to the transferee, the notation printed on a certificate of title issued by another jurisdiction or from information gained as the result of an investigation of the vehicle's odometer history and shall be limited to the following:

(a) *Actual mileage.* A notation to indicate that the vehicle's mileage is actual shall be printed on the certificate of title when the department receives certification on the odometer disclosure statement that the odometer reading reflects the actual mileage or the department determines that the odometer reading reflects the actual mileage.

(b) *Not actual mileage.* A notation to indicate that the vehicle's mileage is not the actual mileage shall be printed on the certificate of title when the department receives certification on the odometer disclosure statement that the odometer reading does not reflect the actual mileage or the department determines that the odometer reading differs from the actual mileage and that the difference is greater than that caused by odometer calibration error.

(c) *Mileage exceeds the mechanical limits.* A notation indicating that the vehicle's mileage exceeds the mechanical limits of the odometer shall be printed on the certificate of title when the department receives certification on the odometer disclosure statement or the department determines that the odometer reading reflects the amount of mileage in excess of the odometer's mechanical design limit.

(d) *Not actual mileage and odometer tampering verified.* A notation indicating that the odometer had been tampered with shall be printed on the certificate of title in conjunction with the notation which indicates that the vehicle's mileage is not the actual mileage when the department has, as a result of a thorough investigation of the facts, reasonable grounds to believe that the odometer has been disconnected, reset, tampered with, altered or replaced with the intent to change the number of miles which otherwise would be indicated.

(e) *Mileage is unverified.* A notation indicating that the mileage is not actual mileage and the mileage is unverified shall be printed on a subsequent certificate of title issued to a vehicle if the certificate of title previously issued for that vehicle includes a notation indicating that the mileage is unverified.

(f) *Exempt from odometer disclosure.* This notation applies to all vehicles that are 10 model years old or older. It also applies to truck-tractors, trailers and mopeds, and to vehicles that are registered or have a gross vehicle weight rating of more than 16,000 pounds. Once a vehicle becomes exempt due to age, the last odometer record information including the odometer reading, the date of the odometer reading and the notation clarifying the odometer reading will be carried forward for the life of the vehicle. Once a vehicle becomes exempt for any reason, it remains exempt. Vehicles registered with the IRP are exempt.

(3) **TITLE TO INCLUDE DATE ASSOCIATED WITH ODOMETER READING.** Each certificate of title issued by the department shall include the date of the odometer reading which is printed on the transferee's title. The date on the title shall correspond with the "date of statement" included on the transferor's odometer disclosure statement or may be the date of issue of the transferee's title, providing that the date of issue is not more than 60 days after the "date of statement." If the vehicle which is the subject of an application for title was last titled in another jurisdiction in the name of the applicant, the same odometer reading and associated date as printed on

