

TRANSPORTATION DEPARTMENT[761]

Notice of Intended Action

**Proposing rule making related to odometer disclosure statements
and providing an opportunity for public comment**

The Transportation Department hereby proposes to amend Chapter 400, “Vehicle Registration and Certificate of Title,” Iowa Administrative Code.

Legal Authority for Rule Making

This rule making is proposed under the authority provided in Iowa Code sections 307.12 and 321.71.

State or Federal Law Implemented

This rule making implements, in whole or in part, Iowa Code section 321.71.

Purpose and Summary

The proposed amendment to Chapter 400 conforms subrule 400.52(3) with 2020 Iowa Acts, Senate File 2091, which amended Iowa Code section 321.71 related to odometer disclosure statements. Senate File 2091 became effective January 1, 2021.

Federal and Iowa law require odometer disclosure upon transfer of a vehicle to prevent odometer fraud and ensure that all parties are aware of the mileage on a vehicle. Prior to January 1, 2021, a vehicle seller was required to disclose the odometer mileage for any vehicle that was less than ten model years old when transferring the vehicle. However, federal regulations as adopted in Iowa Code section 321.71 now require odometer disclosure statements for the transfer of a vehicle that is less than 20 model years old, beginning with vehicles from the 2011 model year (49 CFR Section 580.17).

This requirement put into place the following scenarios:

1. For a vehicle transfer that occurs through December 31, 2030, any vehicle of model year 2011 or newer will require odometer disclosure.
2. For a vehicle transfer that occurs on or after January 1, 2031, any vehicle that is less than 20 model years old will require odometer disclosure. The model year formula for odometer statements will be the current year minus 20. For example, if the calendar year is 2033 and the car model year is 2013, the car is 20 model years old and therefore is not subject to odometer disclosure.

This requirement is for all transfers of vehicles, whether through sale at a licensed dealer, private sale, operation of law transfer, or other method. However, any vehicle that is currently exempt from odometer disclosure under federal or Iowa law based on any reason other than model year will remain exempt. This includes the provision in 49 CFR Section 580.17(a)(1) that exempts any vehicle having a gross vehicle weight rating of more than 16,000 pounds.

Fiscal Impact

This rule making has no fiscal impact to the State of Iowa as there is no fee associated with submitting a required odometer disclosure statement.

Jobs Impact

After analysis and review of this rule making, no impact on jobs has been found.

Waivers

Any person who believes that the application of the discretionary provisions of this rule making would result in hardship or injustice to that person may petition the Department for a waiver of the discretionary provisions, if any, pursuant to 761—Chapter 11.

Public Comment

Any interested person may submit written comments concerning this proposed rule making or may submit a written request to make an oral presentation at a public hearing. Written comments or requests to present oral comments in response to this rule making must be received by the Department no later than 4:30 p.m. on June 8, 2021. Comments should be directed to:

Tracy George
Department of Transportation
DOT Rules Administrator, Government and Community Relations
800 Lincoln Way
Ames, Iowa 50010
Email: tracy.george@iowadot.us

Public Hearing

If requested, a public hearing to hear oral presentations will be held on June 10, 2021, via conference call from 10 to 11 a.m. Persons who wish to participate in the conference call should contact Tracy George before 4:30 p.m. on June 8, 2021, to facilitate an orderly hearing. A conference call number will be provided to participants prior to the hearing.

Persons who wish to make oral comments at the public hearing may be asked to state their names for the record and to confine their remarks to the subject of this proposed rule making.

Any persons who intend to attend the public hearing and have special requirements, such as those related to hearing or mobility impairments, should contact Tracy George, the Department's rules administrator, and advise of specific needs.

The public hearing will be canceled without further notice if no presentation is requested.

Review by Administrative Rules Review Committee

The Administrative Rules Review Committee, a bipartisan legislative committee which oversees rule making by executive branch agencies, may, on its own motion or on written request by any individual or group, review this rule making at its [regular monthly meeting](#) or at a special meeting. The Committee's meetings are open to the public, and interested persons may be heard as provided in Iowa Code section 17A.8(6).

The following rule-making action is proposed:

Amend subrule 400.52(3) as follows:

400.52(3) A As required by 49 CFR Section 580.17, for vehicle transfers that occur through December 31, 2030, any vehicle that is model year 2011 or newer shall require an odometer disclosure statement. For vehicle transfers that occur on or after January 1, 2031, the model year formula for odometer disclosure statements shall be the current year minus ~~ten~~ 20. The resulting number represents the first model year for which a motor vehicle is exempt from the odometer statement requirements incident to a transfer.