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## INCREASE PENALTIES FOR ODOMETER TAMPERING

House Bills 6270 and 6271  
Sponsor: Rep. Bruce Patterson  
Committee: Criminal Justice

Complete to 10-29-02

### A SUMMARY OF HOUSE BILLS 6270 and 6271 AS INTRODUCED 9-17-02

Under present law, tampering with an odometer is a Class G felony, punishable by up to five years imprisonment. House Bills 6270 and 6271 would amend the Michigan Vehicle Code (MCL 257.233a) and Chapter XVII of the Code of Criminal Procedure (MCL 777.12c), respectively, to increase the maximum term of imprisonment for this crime to ten years; to provide penalties for subsequent violations; allow older vehicles to be added to the types of vehicles for which odometer information is not required; and to make technical changes. House Bill 6271 is tie-barred to House Bill 6270.

#### House Bill 6270.

Odometer Mileage. Currently, the vehicle code requires that the seller of a vehicle provide the buyer with a statement containing certain information, including the odometer reading at the time the vehicle is transferred, and a statement that the actual mileage is unknown if the odometer reading differs from actual mileage. Odometer information is not required for certain vehicles, including one that is ten years old or older. The bill would amend this to specify, instead, that odometer information would not be required for a vehicle twelve years old or older.

Violations. Odometer tampering is prohibited under the act. The bill would expand upon the penalties for violations of the prohibition as follows:

- A person convicted of odometer tampering would be guilty of a felony punishable by one or more of the following: imprisonment for not more than ten years, and/or a \$2,000 fine for each violation or, if the violation occurred not more than three years after the vehicle's model year, a fine of \$4,000 for each violation. However, the total amount of fines imposed under this subsection could not exceed \$100,000.

- If the violation occurred within five years of a prior conviction for the same violation, the person would be guilty of a felony, punishable by imprisonment for not more than 15 years.

Penalties. The act specifies that a violation by a licensed dealer of the requirements for odometer information, or of the prohibition on odometer tampering, is considered *prima facie* evidence of a fraudulent act. A person found guilty of intent to defraud, or a dealer who fails to retain for five years each odometer mileage statement he or she receives or furnishes, as required under the act, is liable for three times the amount of actual damages or \$1,500, whichever is greater. House Bill 6270 would increase the fine to \$3,000. However, the bill would specify that a transferee could not file suit against a transferor for damages for these violations more than two years after the date the transferee knew or should have known of the violation.

House Bills 6270 and 6271 (10-29-02)

Legislative Intent. The bill would also specify that it is the legislature’s intent that the secretary of state and the Department of State Police (DSP) aggressively coordinate activities with appropriate local, state, and federal law enforcement agencies to enforce the prohibition against odometer tampering.

House Bill 6272. The bill would amend the sentencing guidelines specified in Chapter XVII of the Code of Criminal Procedure to increase, from five to ten years, the statutory maximum sentence for odometer tampering. The bill would also establish a new sentencing guideline designation for “odometer tampering, second or subsequent offense.” The new felony would be designated a Class E felony, under the crime category of “property,” with a statutory maximum sentence of fifteen years.

Analyst: R. Young

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■This analysis was prepared by nonpartisan House staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.