

DECEMBER 30, 2005

**BUYING TIPS** 

# TCC Tip: Odometer Fraud

#### Does Slick's low mileage, late-model car sound too good to be true? Probably is!

With the new-car market lagging and the used-car market catching momentum once again, sleazy middlemen and low-life used-car dealers out to make some cheap bucks (and give the honest ones a bad name) will be especially busy rolling back odometers.

That's right: Even though it hasn't received much press in recent years, odometer fraud is just as prevalent, if not more prevalent, than ever. "We see this with every economic period. When interest rates go up, more vehicles get clocked," said Richard Morse, director of the National Highway Traffic Safety Administration's Odometer Fraud Program.

Odometer fraud can cost you thousands of dollars in the long run, by causing you to pay more than the car is worth in the first place and for added mechanical repairs that wouldn't otherwise be needed. Clocking can typically add four to five thousand dollars to the price of a late-model vehicle, and experts estimate the overall economic impact of odometer fraud to be as high as \$10 billion per year. If you're going used-car shopping, here are some tips on how to spot and avoid cars with 'rolled-back' odometers:

**Nothing's tamper-proof.** Whether the car has an old-style analog odometer with numbers that physically turn, or a newer digital odometer with an LCD display, crooks have found a way to beat it. Automakers switched over to the digital design mostly because of a lower cost, better reliability, and a reduction in moving parts, although having a digital dashboard doesn't necessarily guarantee better security. According to Morse, "They have it down to where they can clock it (some analog odometers) in five minutes." Morse says that the toughest digital units can be rolled back in a few hours.

**Look for the obvious.** If the car has an analog odometer with numbers that rotate, check if the leftmost digits look misaligned. Another obvious sign of tampering is pencil marks on the numbers or the number face. If the car has a digital odometer, look for one or more digits that isn't a number, but rather an asterisk or an 'E,' signifying that the mileage is wrong.

Get physical (evidence). Scuff marks around the gauge cluster, scratches around the edges of the lens, missing dash screws, analog numbers that scrape against the instrument face, or a trip odometer that no longer works are all suspect.

**Make sure the carpet matches the drapes.** When crooks 'roll back' odometers, they often can't cover up obvious evidence that the mileage isn't true. Check that the wear of the car's interior, matches the claimed mileage. For instance, a sedan with 22,000 miles probably wouldn't have a worn-smooth brake-pedal pad and a hole worn in the carpet at the heel area of the gas pedal. Also, take a look underneath to see if higher-mileage items like shocks and springs have been replaced on a 'low-mileage' vehicle.

**Off-lease and fleet cars rarely have low miles.** If you are considering a car that was previously leased, and it has a surprisingly low odometer reading, suspect that it's been tampered with. Leased vehicles are typically driven up to 30,000 miles per year. Worse yet, business fleet vehicles average about 35,000 miles per year, with four million of them flooding the used-car market. Morse estimates that a significant portion of them are rolled back, and advises that minivans, midsize SUVs, and pickups are popular fleet vehicles targeted by clockers, because of their demand and resale potential.

**Check the car's title and registration records.** Look for service stickers or emissions-inspection tags, warranty cards, or service receipts left on or in the vehicle that might have odometer readings, and make sure they coincide with the current reading. If any of them shows a much higher mileage, be very suspicious. As an added precaution, order a Carfax Vehicle History Report to check on the reported mileage of the vehicle when the title has changed hands, and to check for any blemishes in its history, such as flood damage. Avoid vehicles that have changed owners more than twice within a short period of time, especially to several different states, as they are far more likely to have fraudulent odometers and/or other problems that have been covered up. If you are still interested in the car but suspect that the miles aren't true, try to contact the previous owner to check what the mileage was at trade-in.

If you are serious about purchasing the vehicle, always arrange to take it to your regular mechanic for an inspection, making sure that the odometer reading matches the car's condition. The Carfax fee and mechanic's inspection fee will more than pay for themselves in the long run by saving you the costly mechanical headaches of a high-mileage car, not to mention that awful feeling of being taken for a ride.



# What are people saying about House Bill 3137?

# Supporters include:

Oregon Vehicle Dealers Association (Monty King) Oregon Independent Auto Dealers Association (Dan Nicholson) Auto Appraisers of Oregon (Paul Gustafson) Oregon State Sheriffs' Association (Sheriff Jason Myers) Oregon Association Chiefs of Police (Kevin Campbell) AARP (Rick Bennett)

# Former Attorney General John Kroger

I believe that additional vehicle mileage information on older vehicles would be helpful to Oregon consumers.

### Oregon Department of Justice press release dated March 15, 2011

From records provided by DMV and the Clackamas County Sheriff's Office, and evidence obtained in the investigation, DOJ has identified at least seven vehicles with tampered odometers that Butkovich sold to Oregon, Washington, and California residents over the last year. According to the complaint, during some of these transactions, Butkovich gave a false name to purchasers.

#### Tony Bartolome, Florida DOT / member, National Odometer and Title Fraud Enforcement Association

We [Florida] record any odometer reading given regardless of the age of the vehicle. Consumers who own older vehicles (50s—80s) want the mileage on record in order to validate the actual (original mileage) of their vehicles. Consumers need protection regardless of the age of the vehicle, those consumers that cannot afford a newer vehicle (9 years old less) need to be protected against odometer fraud just as much as the others. I believe that they need to be protected even more, since they do not have the funds to purchase something newer.

# Ron Kramer, Chief Investigator / Oregon DMV Business Regulation

[DMV] investigators have found odometer disclosures in the microfilm of ownership transfer documents while investigating unlicensed car dealers. These disclosures are not included in the normal electronic records because the vehicles are over 9 years old. (*NOTE: DMV is not supporting or opposing HB3137 and this statement should not be construed as supporting or opposing the bill. It is for informational purposes only.*)

# Faisal Hasan, National Director of Government Relations & Data Acquisition / CARFAX, Inc.

Odometer fraud is still a huge problem in the United States. Millions of miles are lost each year and it costs consumers billions of dollars. Older vehicles, especially those with analog odometers that may "roll over" are even more vulnerable to this type of fraud. However, we have also found that odometer readings are the key to uncovering new types of fraud – Especially VIN Cloning. VIN Cloning "steals the identity" of a legal vehicle to conceal previously salvaged vehicles and stolen vehicles. Receiving regular odometer updates throughout a vehicle's lifetime are invaluable to our efforts to assist law enforcement, government, used car dealers and consumers in Oregon and across North America.

### Dr. Jim Davis, President / Oregon Consumer League

...[T]he federal odometer law requires secured odometer readings until a vehicle is 9 years old, but there is no prohibition from collecting readings after that date. Indeed, when the law was put in place in 1991, a vehicle's average lifespan was 9 years old. With vehicle life expectancy at over 20 years old, having odometer readings after 9 years only makes sense.

### Recommendation, 2002 NHTSA report on odometer fraud

More States should keep annual odometer readings either from vehicle registrations, emission inspections, or safety inspections. More frequent odometer readings would limit the value of rolling back the odometer by taking some of the profit out of it. More States should check title histories and annual odometer reading information when registering vehicles to deter and detect odometer fraud.

# For more information:

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# Bloomberg

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# Frequently Asked Questions: HB3137 and odometer fraud

# Is odometer fraud a big issue?

<u>From a 2002 NHTSA Report on Odometer Fraud (excerpted)</u>: The rate of odometer fraud over the life of the vehicle is 3.47 percent (confidence bounds from 2.68 to 4.26 percent). That is a 3.47 percent chance that a vehicle would have its odometer rolled back at any point during the first 11 years of its life. There are approximately 452,000 cases of odometer fraud per year in the United States based on the fraud rate and number of registered vehicles by vehicle age.

Since Oregon represents 1.2 percent of the U.S. population (based on 2009 data of 3,831,074 out of 308,745,538 people), it can be inferred that Oregon consumers are the victims of odometer fraud approximately 5,424 times annually.

The increased cost consumers pay to purchase passenger vehicles with odometer rollback of \$1,056 million per year makes odometer fraud one of the top crimes against property in the United States. By comparison, the Federal Bureau of Investigations estimated that in the year 2000, auto theft resulted in direct losses of \$2,900 million, arson \$760 million, burglary \$3,000 million, and shoplifting \$200 million.

# How much does odometer fraud cost consumers?

<u>From a 2002 NHTSA Report on Odometer Fraud (excerpted)</u>: The difference between the inflated prices that consumers actually paid for the rolled-back vehicles and the prices they would have been willing to pay if they had known the true mileage...average \$2,336 per case of odometer fraud. ... That sum does not include inflated financing, insurance and tax costs; additional amounts consumers pay for vehicle repairs; other consequential damages; the decreased resale value due to the vehicle having an altered odometer; or the many indirect or intangible costs of odometer fraud: time spent waiting for vehicle repairs and road service, consumers' anger and frustration at being cheated and getting a car they wouldn't have wanted, and costs of government programs to detect and deter odometer fraud.

# Does the price tag make this bill a good expenditure?

If the 2002 NHTSA report is accurate and the average inflated cost of a rolled-back vehicle is \$2,336, then the new law need only protect a small number of Oregon consumers over a two-year period for the law to save Oregon consumers more money in real dollars than it costs the state in additional expenditures.

# Do other states record odometer readings on older vehicles?

HB3137 sponsors concede most states do not record odometer readings on older vehicles. However, Oregon would not be alone. State-by-state research is ongoing, but it has been confirmed that both California (a neighbor of Oregon and a state with a very large population) and Florida (also a high population state) do record odometers on older vehicles. Combined, California and Florida represent over 18 percent of the U.S. population.

# Could odometer readings from older cars create legal problems for consumers or dealers?

If they are dishonest, then yes! That's the point. Otherwise, according to Tony Bartolome, Florida Department of Transportation, and member of the National Odometer and Title Fraud Enforcement Association: "I do not see a legal quagmire. We (Florida) record any odometer reading given regardless of the age of the vehicle. Consumers who own older vehicles (50s—80s) want the mileage on record in order to validate the actual (original mileage) of their vehicles. Consumers need protection regardless of the age of the vehicle, those consumers that cannot afford a newer vehicle (9 years old less) need to be protected against odometer fraud just as much as the others. I believe that they need to be protected even more, since they do not have the funds to purchase something newer."

# How many older vehicles, not subject to odometer reporting, are on the road?

In a 2009 report, R.L. Polk & Company determined "that the average age of vehicles has seen a substantial increase. Vehicles in the U.S., on average, were 10.2 years old during the period of Polk's study, compared to an average age of 10 years old just 15 months before. Moreover, this marks a 21-percent upswing compared to its level just over 14 years ago (as of July 1, 1995), when vehicles were, on average, just 8.4 years old. Perhaps not surprisingly, helping to push up the average age has been the trend of drivers holding on to their rides longer, Polk noted. For example, U.S. consumers' average ownership period was 49.9 months as of September. A year before that, the ownership period averaged 45 months. Economic challenges, restricted financing and leasing options have led to this trend, but so have the extended warranties provided by automakers and the fact that vehicles are more durable and are of higher quality."

A different Polk report in 2006 indicated that "the percentage of light vehicles in use that were 11 years of age and older increased one percentage point over last year to a new all-time high, representing 35.8 percent of the light vehicle population."

A DMV records "snapshot" suggested that more than 40 percent of older vehicle title transfers done in person at DMV offices included an odometer disclosure.

# Isn't odometer fraud in older vehicles infrequent and insignificant?

Since odometer readings on older vehicles aren't routinely recorded, it is difficult to know how widespread or costly older vehicle odometer fraud is to consumers. While it is true that the older a vehicle becomes, the less significant the mileage is as a factor in the value of a vehicle, it continues to be an important factor for families on limited incomes who can only afford an older vehicle. Lower income consumers frequently look for lower mileage vehicles, despite the vehicle's age, because their limited disposable income prevents them from being able to afford frequent or costly repair bills. Odometer fraud in a newer vehicle might be expensive, but in a lower income family, odometer fraud might eliminate completely a family's ability to own a drivable motor vehicle because they can't afford to repair what they have or purchase something different if the vehicle they own had an odometer which had been rolled.

Odometer tampering laws should not protect only those Oregonians who can afford newer, more expensive vehicles.

# What can government do to help stop odometer fraud?

The NHTSA report made the following recommendations: More States should keep annual odometer readings either from vehicle registrations, emission inspections, or safety inspections. More frequent odometer readings would limit the value of rolling back the odometer by taking some of the profit out of it. More States should check title histories and annual odometer reading information when registering vehicles to deter and detect odometer fraud.

In other words, the more often odometer readings are recorded, the less likely criminals will be able to get away with odometer fraud. While HB3137 is but a small step in the right direction, recording odometer readings voluntarily reported by consumers buying and selling older vehicles can make a real difference in the lives of literally thousands of Oregonians every year.

# What will House Bill 3137 do?

House Bill 3137 requires DMV to electronically record the most recent odometer readings on older vehicles when *voluntarily* disclosed on title transfer documents. Many consumers record the odometer reading when selling their older vehicle. However, <u>DMV ignores that useful information rather than recording it on their database</u>. With this additional information recorded, law enforcement will have access to it when investigating odometer fraud and companies which supply dealers and consumers with a vehicle's history, like CarFax, will be able to make this additional information available to the public. <u>No one will be required to submit an odometer reading on an older vehicle as a result of this legislation</u>. The only mandate is on DMV to record the information voluntarily supplied.

# For more information:

Darrell Fuller at 971-388-1786 or fuller\_darrell@yahoo.com.

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determines a priority of ownership.)       If any owner listed uses a work address on DMV records, that owner must be shown on Line 5. See reverse for more information.         PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE OF (check one)       OWNER       OR       LESSEE         RESIDENCE / BUSINESS ADDRESS - (Address will be used to update your ODL / ID card)       MAILING ADDRESS (if different from residence - will be used to update your ODL / ID card)         6       CITY, STATE, ZIP CODE       COUNTY OF RESIDENCE       CITY, STATE, ZIP CODE       COUNTY OF MAILING         7       DINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse)       COUNTY OF MAILING         9       JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse)       COUNTY OF MAILING         9       ONE-TIME MAILING ADDRESS (Will not change your customer record)       Reg. Only Title Only Both       VEHICLE ADDRESS - (Location of vehicle if different from residence)         0       CITY, STATE, ZIP CODE       COUNTY (of vehicle address or use)       CITY, STATE, ZIP CODE       COUNTY (of vehicle address or use)	mileage UNLESS one of these boxes is marked:									<i>ı</i> .							
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CITY, STATE, ZIP CODE     COUNTY OF RESIDENCE     CITY, STATE, ZIP CODE     COUNTY OF MAILING     JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse)     JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse)     JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse)     ONE-TIME MAILING ADDRESS (Will not change your customer record)     Reg. Only         Title Only         Both     CITY, STATE, ZIP CODE     COUNTY (of vehicle address or use)		NAME: LAST, FIRS	ST, MIDDLE OF	(check one)	OWN	IER	OR		LESSE	E					11	111	
7       JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse)         8       JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse)         9       JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse)         10       ONE-TIME MAILING ADDRESS (Will not change your customer record)         11       Reg. Only Title Only Both         2       CITY, STATE, ZIP CODE	(6) RESIDENCE / BU	ISINESS ADDRES	SS - (Address will	be used to upda	te your ODL	/ ID card)	)		MAILING	ADD	RESS (If differen	t from residence -	will be	used to u	pdate you	r ODL / ID c	ard)
8 3 JOINT OWNER OR LESSEE - PRINT FULL LEGAL NAME: LAST, FIRST, MIDDLE (See "Change of Address" on reverse) 9 ONE-TIME MAILING ADDRESS (Will not change your customer record) 10 ONE-TIME MAILING ADDRESS (Will not change your customer record) 11 12 12 13 CITY, STATE, ZIP CODE 14 15 16 17 17 17 18 18 18 19 10<	CITY, STATE, ZIF	P CODE			COUNTY	OF RES	BIDENCE		CITY, STA	ΑTE,	ZIP CODE				CO	JNTY OF	MAILING
ONE-TIME MAILING ADDRESS (Will not change your customer record)     Reg. Only     Reg. Only     Title Only     Both     CITY, STATE, ZIP CODE     COUNTY (of vehicle address or use)	JOINT OWNER C	R LESSEE - PRI	NT FULL LEGAL	NAME: LAST	, FIRST, M	IIDDLE (	See "Change	e of Add	Iress" on rever	se)							
10       Title Only         Title Only       Both         CITY, STATE, ZIP CODE       CUNTY (of vehicle address or use)	JOINT OWNER C	R LESSEE - PRI	NT FULL LEGAL	. NAME: L <b>ast</b>	, FIRST, M	IIDDLE (	See "Change	e of Add	lress" on rever	se)							
CITY, STATE, ZIP CODE COUNTY (of vehicle address or use)	ONE-TIME MAILI	NG ADDRESS (W	/ill not change you	Ir customer recor	d)				Title Only	VEF	IICLE ADDRESS	6 - (Location of v	ehicle	if differe	nt from r	esidence)	
	CITY, STATE, ZIF	° CODE						I		CITY	Y, STATE, ZIP C	ODE			CO	JNTY (of v	vehicle address or use)

REM	ARKS:	

REMARKS:	(DMV USE ONLY)							
NAME AND ADDRESS REQUIREMENTS								

DMV uses a customer based file. This enables us to link all types of DMV records together for a customer. It is important that you use vour customer number and the same name when conducting business with DMV. In the case of individuals, the person's date of birth (DOB) is also important.

Customer Number for Persons: Your customer number is your Oregon driver license (ODL), Identification card (ID) or instruction permit number. Use that number on the application. If you do not have an ODL, ID card or instruction permit, DMV will assign a customer number to you when the application is received. You must use your true name on all business you conduct with DMV. This is the name you have established on your ODL, ID card or instruction permit.

Customer Number for Businesses: If you know your customer number for your business, list that number on the application. Businesses must also use the same name in all business they conduct with DMV.

**Residence or Business Address:** Provide the address where you primarily reside. If the owner listed is a lessee, the address of the lessee must be shown. For a business, you must provide the address of the business.

Mailing Address: If you receive your mail at an address other than the residence or business address, complete the mailing address on Lines 6 and 7.

Vehicle Address: If the vehicle is primarily housed or dispatched from an address that is different than the residence or business address, complete the vehicle address on Lines 10 and 11. Business owners-be careful not to confuse the vehicle address with your business address or mailing address.

One-time Mailing Address: If you would like the title and or registration document mailed to a one-time mailing address (other than the residence, business or mailing address), you must complete the area on Lines 10 and 11.

Change of Address: Only the address listed for the owner shown on Line 5 will be changed if it is different than what DMV records show. The address will be changed on both the vehicle and driver record. Individuals will receive an address change sticker for their ODL, ID card or instruction permit. Additional owners listed on Lines 8 and 9 must complete a Change of Address, Form 6438, and submit it separately, or change their address online at www.oregondmv.com.

Work Address: If any person listed on the application has a work address on file with DMV: 1) for the owner, the person must be listed on Line 5 and the work address listed on Lines 6 and 7; 2) for the security interest holder, the person must be listed on Line 13 and the work address listed on Line 14. To change your address to a work address, you must be eligible pursuant to ORS 802.250 and complete a Request for Police or Public Agency Address on DMV Records, Form 6438A. To change your address from a work address back to your residence address, you must submit a new Change of Address, Form 6438.

#### **RECONSTRUCTED / ASSEMBLED / REPLICA**

Complete this section if the title was surrendered to DMV because the vehicle was an abandoned vehicle sold under ORS 819.220; wrecked, dismantled, disassembled, substantially altered; destroyed; totaled (for reasons other than theft) OR if the vehicle is assembled or reconstructed or a replica. I certify that this vehicle is (CHECK ONE ONLY):

A reconstructed vehicle whose body looks like the vehicle described on the front of this application; or

An assembled vehicle whose body does not resemble any particular year model or make of vehicle (show year in which work was completed as "YEAR" of vehicle, and "ASMBL" in "MAKE" field on Line 2 of this application).

A replica whose body is built to resemble and be a reproduction of a vehicle with the given year and make as described on this application.

I further certify that if the frame or unibody used in constructing this vehicle contains a vehicle identification number (VIN), it is shown on Line 1 of this application. LIST OTHER VIN OR IDENTIFYING NUMBERS FROM OTHER MAJOR PARTS USED. Major parts may be the body (if not unibody), engine, kit, or axles (if a trailer).

PART NAME AND VIN OR NUMBER	PART NAME AND VIN OR NUMBER	PART NAME AND VIN OR NUMBER								
	SCHOOL BUS REGISTRATION									
If applying for school bus registration, I cert	ify that the use of this vehicle meets the requir	rements for school buses or school activity								
vehicles as provided in ORS Chapter 820,	or by rules adopted by the Oregon Departme	ent of Education or State Board of Higher								
Education.		U U								
School buses or school activity vehicles us	sed exclusively in transporting students to or fro	om any school or authorized school activity								
or function, including extracurricular activi	or function, including extracurricular activities, and to or from points designated by school, are registered with school bus plates or publicly owned plates, whichever is applicable.									
<ul> <li>School buses or school activity vehicles n</li> </ul>	ot used exclusively in the transportation of stud	dents are registered with bus or permanent								
fleet plates.										
SCHOOL DISTRICT NAME(s)										
	COMMERCIAL VEHICLE - DRUG AN	D ALCOHOL TESTING CERTIFICATION								
♦ DMV USE ONLY	If this is a commercial vehicle, I am knowledgeable of the applicable federal motor carrier safety regulations and hazardous materials regulations or compatible state regulations.									
	If this vehicle is registered with truck (T) plates, I ca	ertify that: I have an in-house drug and alcohol								

testing program that meets the federal requirements; or I am a member of a consortium that provides testing that meets the federal requirements; or I am exempt from the above requirements.

The name(s) of person(s) operating the consortium:



Complete all applicable blocks. DO NOT write in the gray blocks (OFFICE USE ONLY). Attach fees and all supporting documents to show proof of ownership (title, manufacturer's certificate of origin (MCO), bill of sale, etc.) MAIL TO: DMV, 1905 Lana Ave NE, Salem OR 97314; or take to any DMV office.