



127th MAINE LEGISLATURE

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Legislative Document

No. 1388

S.P. 514

In Senate, May 6, 2015

An Act To Clarify the Used Car Information Laws

Reference to the Committee on Labor, Commerce, Research and Economic Development suggested and ordered printed.

A handwritten signature in black ink, reading "Heather J.R. Priest".

HEATHER J.R. PRIEST
Secretary of the Senate

Presented by Senator VOLK of Cumberland.

Cosponsored by Senator: CUSHING of Penobscot, Representatives: AUSTIN of Gray, BATES of Westbrook, McCABE of Skowhegan, STETKIS of Canaan.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 10 MRSA §1471, sub-§§2-B, 6-C and 7-A** is enacted to read:

3 **2-B. Livery service.** "Livery service" means a service that for a fee arranges,
4 schedules or procures a vehicle for rent or hire or provides a ride for hire.

5 **6-C. Rideshare.** "Rideshare" means a program, activity or action in which a person
6 uses that person's private vehicle to transport a person for a fee.

7 **7-A. Vehicle history report.** "Vehicle history report" means a written or electronic
8 report, record or document that describes or provides information on the service history
9 of a vehicle.

10 **Sec. 2. 10 MRSA §1475, sub-§2-A, ¶B,** as enacted by PL 1989, c. 878, Pt. F, §3,
11 is amended to read:

12 B. The dealer's duty to disclose promptly the name and address of the previous
13 owner of the motor vehicle, or dealer, upon the request of any person, the principal
14 use to which the motor vehicle was put by that owner, such as personal
15 transportation, police car, daily rental car, taxi, rideshare, livery service or other
16 descriptive term, and the type of sale or other means by which the person acquired
17 the motor vehicle, such as trade-in, sheriff's sale, repossession, auction or other
18 descriptive term, to the extent that such information is reasonably available to the
19 person;

20 **Sec. 3. 10 MRSA §1475, sub-§2-A, ¶G,** as amended by PL 1995, c. 269, §2, is
21 further amended to read:

22 G. If the vehicle is repossessed, a statement identifying this fact; ~~and~~

23 **Sec. 4. 10 MRSA §1475, sub-§2-A, ¶H,** as enacted by PL 1995, c. 269, §3, is
24 amended to read:

25 H. The dealer's duty to disclose conspicuously in writing the dealer's policy in
26 relation to the return of deposits received from any person. A dealer shall require that
27 a person making a deposit sign the form on which the disclosure appears: and

28 **Sec. 5. 10 MRSA §1475, sub-§2-A, ¶I** is enacted to read:

29 I. A dealer that provides to a consumer a vehicle history report prepared by a person
30 other than the dealer has no liability for inaccuracies in the vehicle history report if
31 the dealer makes the following disclosure: "[Name of dealer] is pleased to provide
32 you a courtesy copy of a service history report for the vehicle you are considering
33 purchasing. [Name of dealer] makes no representation as to the accuracy of this
34 service history report."

35 **Sec. 6. 10 MRSA §1475, sub-§3,** as amended by PL 2003, c. 240, §1, is further
36 amended to read:

1 **3. Written statement.** A dealer shall obtain from the seller of a used motor vehicle
2 a written statement containing the following information:

3 A. The make, model, model year and any identification or serial numbers of the
4 motor vehicle;

5 B. The name and address of the seller, the principal use to which the motor vehicle
6 was put by the seller, such as personal transportation, police car, daily rental car, taxi,
7 rideshare, livery service or other descriptive term;

8 C. A statement identifying any and all mechanical defects known to the seller at the
9 time of sale; and

10 D. A statement identifying the type of damage, if any, that the vehicle has sustained,
11 such as fire, water or substantial collision damage, if such information is known to
12 the seller.

13 Any dealer who offers for sale to consumers a repossessed vehicle that has been obtained
14 by the dealer through any transaction other than a retail sale is not subject to the
15 provisions of this subsection.

16 A dealer is not subject to the provisions of this subsection if that dealer offers for sale to
17 consumers a used motor vehicle that has been obtained by the dealer through an auction
18 located outside the State at which buyers are limited to licensed dealers and the seller of
19 the used motor vehicle is neither a resident of this State nor a dealer licensed in this State,
20 if the dealer clearly discloses on the written disclosure statement required by subsections
21 1 and 2-A that the vehicle was acquired at an out-of-state auction and that historical
22 information regarding mechanical defects and substantial damage is not available.

23 The seller of the used motor vehicle shall sign and date this written statement and the
24 dealer who buys the vehicle shall maintain a record of it for 2 years following the sale of
25 the motor vehicle.

26 As used in subsection 2-A and this subsection, "substantial collision damage" means any
27 damage to a motor vehicle from a collision when the costs of repair of that damage, at the
28 time of repair, including replacement of mechanical and body parts, exceed ~~\$2,000~~
29 \$3,000.

30 **SUMMARY**

31 This bill adds to the laws regarding used car information definitions of "livery
32 service," "rideshare" and "vehicle history report." The bill also exempts a car dealer from
33 liability for providing a consumer a vehicle service history report that the dealer did not
34 prepare if the dealer also provides the consumer with a disclosure. Finally, this bill
35 increases the minimum amount of damage required to be disclosed from \$2,000 to
36 \$3,000.