



**H.B. 482**

123rd General Assembly  
(As Introduced)

**Rep. Hartley**

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**BILL SUMMARY**

- Requires anyone who sells or offers for sale a used motor vehicle to a person who resides in a county that is subject to the motor vehicle inspection and maintenance program to first have the vehicle inspected by an inspection contractor.
- Requires a seller to have necessary repairs performed on such a vehicle in order for it to pass the inspection or to receive a waiver and to provide the inspection certificate obtained for the vehicle to the purchaser of the vehicle.
- Subjects a seller who knowingly violates the provisions of the bill to a fine of not less than \$500 nor more than \$2,500, and requires the seller to repossess the vehicle and refund its purchase price to the purchaser.

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**CONTENT AND OPERATION**

The bill prohibits a licensed motor vehicle dealer or a casual seller of a motor vehicle from selling or offering for sale a used motor vehicle to any person residing in a county that is subject to the basic or enhanced motor vehicle inspection and maintenance program without first having the motor vehicle inspected by a contractor. The inspection is required to be conducted in the same manner as an initial annual or biennial inspection as required under the program, as appropriate, and the seller of the vehicle must obtain an inspection certificate for the vehicle from the contractor. If the vehicle fails the inspection, the seller is required to have performed or perform the repairs necessary for the vehicle to pass a reinspection. If repairs costing at least the applicable waiver limit are performed and the vehicle subsequently fails the reinspection, the person may obtain an inspection certificate that includes a waiver as provided in current law governing the motor vehicle inspection and maintenance program. (Sec. 3704.20(B).) The

seller must provide to the purchaser of the vehicle the inspection certificate obtained for it as required under the bill (sec. 3704.20(C)).

The bill prohibits any person who sells or offers for sale a used motor vehicle through a casual sale and any dealer from failing to comply with the bill's provisions (sec. 3704.20(C)). Whoever knowingly violates those provisions must be fined not less than \$500 nor more than \$2,500, with each violation being a separate offense. In addition to the fine, the sentencing court is required to order the offender to repossess the motor vehicle that was the subject of the offense and to refund to the purchaser the purchase price of the vehicle. (Sec. 3704.99.)

For the purposes of the bill, "basic motor vehicle inspection and maintenance program," "contractor," "enhanced motor vehicle inspection and maintenance program," and "waiver limit" all have the same meanings as in the law governing the motor vehicle inspection and maintenance program. "Casual sale," "dealer," "motor vehicle," "motor vehicle dealer," "new motor vehicle," and "sale at retail" have the same meanings as in the law dealing with motor vehicle dealers. "Used motor vehicle" is defined as a motor vehicle that is not a new motor vehicle. (Sec. 3704.20(A).)

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## HISTORY

ACTION	DATE	JOURNAL ENTRY
Introduced	10-19-99	p. 1293

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