



Eric Vendel

*Bill Analysis*  
*Legislative Service Commission*

## **H.B. 60**

125th General Assembly  
(As Introduced)

**Reps. Kearns, Koziura, Price**

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- 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 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**

Current law does not require the inspection of a motor vehicle under the basic or enhanced motor vehicle inspection and maintenance program upon transfer of ownership or possession. The bill instead 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 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 is required to 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 established in current law are performed and the vehicle subsequently fails the reinspection, the seller 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).)

A licensed motor vehicle dealer or a person who is a casual seller of a motor vehicle who sells or offers for sale a used motor vehicle to any person residing in a county that is subject to the program is required to provide to the purchaser of the vehicle the inspection certificate obtained for it as discussed above (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 its provisions (sec. 3704.20(C)). Whoever knowingly violates the bill must be fined not less than \$500 nor more than \$2,500, with each violation being a separate offense. The sentencing court, in addition to that penalty, 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" 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	02-12-03	p. 148

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