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Jonathan Morrison
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Department of Transportation
National Highway Traffic Safety Administration
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Greetings Mr. Morrison,

The International Association of Chiefs of Police (IACP) Vehicle Crimes Committee would like to recognize NHTSA for updating the federal rule governing odometer disclosure requirements. (See Below)

DEPARTMENT OF TRANSPORTATION
National Highway Traffic Safety Administration
49 CFR Part 580
[Docket No. NHTSA-2019-0089]
RIN 2127-AL39
Odometer Disclosure Requirements

This Act is one of the most important tools that the law enforcement community has available to it for dealing with title skipping, and consumer fraud protections. What is not as obvious is that this Act also provides law enforcement with some of its greatest tools in combatting auto theft and fraudulent diversion of automobiles.

Under the Act, entities are required to record 'upon transfer' the VIN of the vehicle, the transferor's name & address, the date of transfer, the transferee and signed by the transferor. Additionally, the transferee must also identify the transferor, and provide their own name and address, the date of the transaction, and sign the disclosure document. The records must be kept.

Originally, the Act covered 25 years, but was unfortunately later reduced to a 10-year period. With this new rule, the coverage was properly restored back to a more reasonable 20-year period.

What is especially important is that in addition to serving as a main tool for combatting title skipping and odometer fraud it is actually a powerful tool for law enforcement to limit the operation of large-scale vehicle crime operations.

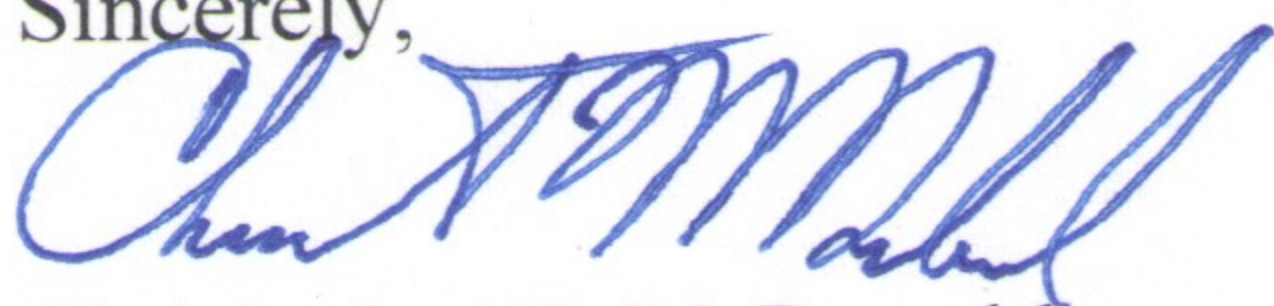
Under the Act, if stolen or improperly obtained vehicles are shipped for final disposal to shredders for disposal or to pick-a-part and dismantling operations and if they are processed without documenting their acquisition there is no other way to identify and prosecute for these operators unless the operators are caught in the act with the stolen vehicles. By acquiring these vehicles and failing to have recorded the acquisition and identity of the transferring party these

businesses that have handled large numbers of undocumented vehicles will have violated the recording requirements of the Odometer Act. Unlike the National Motor Vehicle Title Information System (NMVTIS) requirements – for which there are many reporting exemptions when acquiring non-junk vehicles, and is only subject to civil penalties – the Odometer Act has criminal penalties and the burden of proof rests on the party who handled the vehicles to have recorded and retained the records.

Furthermore, since a title that has been skipped for not filled out with the required Odometer disclosures has been successfully deemed to be a fraudulent financial security document in prosecutions in multiple jurisdictions, parties shown to have accepted vehicles without complying to the Odometer Act requirements can, under the proper circumstances, be prosecuted under securities fraud, RICO and other federal criminal statutes as a result of the updated year coverage of the Odometer Act.

The updated Odometer Act provides a powerful set of tools for dealing with large scale theft and diversion operations that funnel these vehicles through unscrupulous operations, and makes this available for use with many cars that are commercially attractive and which impact the lives of mid-to-lower economic tier populations. Thank you again.

Sincerely,



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Chair/IACP Vehicle Crimes Committee
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