



November 8, 2019

Administrator
National Highway Traffic Safety Administration
1200 New Jersey Avenue, SE
Washington, DC 20590

Re: Petition for Reconsideration of Docket No. NHTSA-2019-0089; RIN 2127-AL39 –
Odometer Disclosure Requirements

Dear Acting Administrator Owens:

The American Association of Motor Vehicle Administrators (AAMVA) applauds NHTSA for the recent promulgation of its final rule regarding electronic odometer disclosure requirements. This important regulatory action paves the way for modernized compliance with federal requirements while simultaneously providing states with the opportunity to realize process efficiencies. AAMVA thanks you for this important effort.

While AAMVA does not want NHTSA to reopen the entire regulatory docket, we have serious concerns with the effective date relative to one aspect of the final rule. The final rule amends [49 CFR 580.17](#) such that a transferor or lessee must disclose odometer mileage for an expanded number of vehicles extending beyond the previous 10-year limitation. This portion of the rule affects *all* jurisdictions regardless of their electronic odometer intentions and mandates an implementation methodology that incrementally expands the number of vehicles subject to odometer capture.

The current effective date of the final rule is December 31, 2019. This gives states insufficient notice (90 days) to fulfill the mandatory aspects of the rule. Starting on January 1, 2020, and every calendar year thereafter, states will be obligated to capture the odometer disclosures for an additional year of model year vehicles, 2010 and later. This inclusion carries significant system capability and system readiness challenges for motor vehicle agencies. Current state systems may be hardcoded to only allow certain data input under the assumption of a 10 year exemption, or may exclude certain vehicle years once the 10 year exemption has been met. Those systems need to be modified under the new rule to allow for the extension of odometer capture in each year until the

20 year odometer capture requirement is met in calendar year 2030. Completing this type of system modification in less than 90 days is not practical for many states.

In addition to the issues presented by the rule's mandated system modification requirements, state motor vehicle agencies, and potentially vehicle dealers and auctions, will need to modify multiple aspects of their business processes - including update and approval of all associated forms and a thorough review of information and process flow. Further, the changes will require DMV employee training and a legal sufficiency review of the entire process. The changes also carry the potential to confuse long standing practices relied on by consumers and dealers alike. Successfully accommodating this additional vehicle population from a system standpoint, a business process standpoint, and a training and education standpoint is untenable.

The current timeline, which will result in some states being prepared and some states not being prepared, will cause many jurisdictions to brand odometer disclosures on vehicle titles as "not actual mileage." Once a vehicle has been excused from providing the odometer disclosure, the risk for odometer fraud greatly increases if there is a gap in the collection of an odometer reading but is later collected and then recorded as "actual mileage". Revising the final rule's effective date to December 31, 2020 reduces the possibility of gaps in the collection of odometer disclosures.

There is no request to reconsider expanding the included vehicles beyond the current 10-year limitation, it is only the effective date and time needed to prepare for the change that is problematic. As such, while AAMVA requests NHTSA reconsider the final rule's effective date such that it gives states the appropriate time to properly prepare for and accommodate the additional vehicle population. AAMVA requests NHTSA consider revising the effective date of the rule to December 31, 2020 and beginning with model year 2011 vehicles.

Should the effective date of the rule remain December 31, 2019, AAMVA asks for NHTSA's to provide written guidance on how jurisdictions should address title transactions submitted after the effective date without the odometer disclosure.

Thank you for your consideration and prompt attention to this matter. If I or my staff can be of additional assistance in meeting the requirements of the rule, please feel free to reach me at aferro@aamva.org or contact AAMVA's Director of Government Affairs, Cian Cashin, at ccashin@aamva.org.

Sincerely,

Anne S. Ferro
AAMVA President and CEO