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FEDERAL ODOMETER DISCLOSURE REQUIREMENTS

Effective January 1, 2021, the National Highway Traffic Safety Administration (NHTSA) has put into place new requirements for odometer disclosure when a vehicle is transferred. Currently, any vehicle of less than 10 model years requires odometer disclosure when transferred. The new federal requirements are that in 2031, odometer disclosure will be required for any vehicle that is less than 20 model years old, and that there will be a 10-year ramp-up period starting in 2021 to reach that milestone.

Federal and Iowa law require odometer disclosure upon transfer of a vehicle to prevent odometer fraud and ensure that all parties are aware of the mileage on a vehicle. This is a consumer protection that allows for the buyer to make an informed purchase. Under current law, a seller must disclose the odometer mileage for any vehicle of less than 10 model years when transferring the vehicle.

NHTSA recently published a final rule on electronic odometer disclosure, under 49 CFR 580, which puts into place provisions from the FAST ACT that was passed in 2016. In addition to the electronic odometer provisions – which are optional for states to enact – NHTSA mandated that odometer disclosures are required for the transfer of a vehicle that is less than 20 model years old, beginning with vehicles from the 2011 model year (49 CFR 580.17). This rule is effective on January 1, 2021.

This requirement puts into place the following scenarios:

1. For a vehicle transfer that occurs from December 31, 2020 through December 31, 2030, any vehicle of model year 2011 or newer (2012, 2013, etc.) will require odometer disclosure.
2. For a vehicle transfer that occurs on or after January 1, 2031, any vehicle that is less than 20 model years old will require odometer disclosure. The model year formula for odometer statements will be the current year minus twenty. For example, if the calendar year is 2033 and the car model year is 2013, the car is 20 model years old and therefore is not subject to odometer disclosure.

This requirement is for all transfers of vehicles, whether through sale at a licensed dealer, private sale, operation of law transfer, or other method.

Some states may not have implemented the new federal odometer rules by January 1, 2021. If the odometer disclosure exemption is added as part of a dealer reassignment, the customer will need to return to the dealership to have the mileage certified. (Which may require obtaining a dealer title or replacement title)

In summary, the easiest way to remember is that any vehicle with a model year of 2011 or newer will require an odometer disclosure. Any vehicle with model year 2010 or older a disclosure is not required.