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## **Written Disclosure Notice Required on the Resale of Motor Vehicles Replaced or Refunded by the Manufacturer**

### **Secs. 42-179-1—42-179-5.**

Repealed, January 2, 1991.

### **Sec. 42-179-6. Purpose**

Sections 42-179-7 through 42-179-11 cover the requirements of Section 42-179 of the General Statutes, governing the disclosure statement for a motor vehicle returned for replacement or refund, the conditions for removal of the disclosure statement from such a vehicle, and the format and time period for providing information pertaining to said vehicle to the commissioner of motor vehicles.

(Effective October 23, 1995)

### **Sec. 42-179-7. Form and content of disclosure**

(a) Any person who accepts the return of a motor vehicle from a consumer for replacement or refund due to a nonconformity or defect, whether as a result of an administrative or judicial determination, an arbitration proceeding or a voluntary settlement, shall notify the commissioner of motor vehicles in writing within twenty (20) days of taking title, possession or custody of such vehicle, by submitting to the commissioner a copy of the "disclosure statement" as specified in Section 42-179-8. Such copy shall be submitted by certified or registered mail and addressed to the Dealers and Repairers Division, Department of Motor Vehicles, 60 State Street, Wethersfield, CT 06161. No person shall sell or lease, transfer, or authorize for sale or lease, including sale at an automobile auction within this state, any vehicle covered by this subsection until the required notice has been submitted to the commissioner.

(b) Any person to whom a motor vehicle is returned for replacement or refund due to a nonconformity or defect in accordance with subsection (a) of this section shall affix "disclosure statement" as specified in subsection (a) of Section 42-179-8 to the lower corner of the windshield furthest removed from the driver in a location readily visible from the exterior of such vehicle. A "disclosure statement" shall also be included in any contract for sale or lease of such motor vehicle by such person as specified in subsection (c) of Section 42-179-8.

(c) No "disclosure statement" shall be removed from a motor vehicle except upon written approval by the commissioner of motor vehicles after receipt by the commissioner of an engineering inspection report certifying in writing that the defect(s) or condition(s) or combination of both which resulted in the replacement of or refund for such vehicle has been corrected or repaired. The engineering inspection report shall be prepared and signed by and any repairs, tests or procedures on such vehicle shall be performed under the supervision of a licensed professional engineer having expertise in the technical area(s) of the defect(s) and/or condition(s). The engineering inspection report shall contain at a minimum the following information:

(1) The vehicle identification number (VIN), the make, the model, the model year and the prior title number including state of issue of the motor vehicle;

(2) A listing of the defect(s) or condition(s) under which the vehicle was repurchased or replaced;

(3) The complete diagnostic procedures performed on the motor vehicle to analyze, repair or correct such defect(s) or condition(s) and the results of such procedures;

(4) A listing of all parts replaced, adjusted, or repaired or in any way modified in conjunction with such repair or correction, including a copy of any documents relating to such repair or correction; and,

(5) A statement of the jurisdiction in which the engineer who prepared the engineering report is licensed, his license number, and his qualifications including experience, education and training in the technical area(s) that is the subject of the report.

(d) The engineering inspection report shall be accepted and approved by the commissioner only if it contains sufficient detailed information to permit a positive determination by the commissioner or his designee that the nonconformity and/or defect has been corrected. The commissioner may consult with the Board of Examiners for Professional Engineers and Land Surveyors for assistance in determining the qualifications of an engineer in the technical area(s) that is the subject of the report. The costs of inspection and the preparation of the engineering inspection report shall be borne by the party or parties requesting that the commissioner approve the removal of the "disclosure statement." The commissioner shall notify the party or parties making the request of the approval or disapproval of such request in writing within sixty (60) days after its receipt, and if such request is disapproved, the reason(s) for such disapproval.

(e) The commissioner or his designee may inspect any vehicle subject to Sections 42-179-6 to 42-179-11, inclusive, to determine compliance with the requirements of subsection (b) of this section or to verify that the defect(s) or condition(s) which led to the replacement or refund for such motor vehicle no longer exists.

(f) The commissioner of motor vehicles shall maintain a listing of motor vehicles reported to him which have been returned from a consumer due to a nonconformity or defect in accordance with subsection (a) of this section, and access to such listing shall be made available to a person exhibiting a need for such information upon application to the commissioner in writing.

(Effective October 23, 1995)

**Sec. 42-179-8. Disclosure statement**

(a) The "disclosure statement" affixed to the vehicle shall have a format substantially as follows:

**DISCLOSURE STATEMENT**

Vehicle Identification Number (VIN): \_\_\_\_\_

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

Prior Title Number: \_\_\_\_\_ State of Title: \_\_\_\_\_

Warning: This vehicle was previously sold as new. It was subsequently alleged or found to have the following defect(s) or condition(s).

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

As a result of the defect(s) or condition(s) or a combination of both enumerated above this motor vehicle was replaced or a refund made. This motor vehicle may not be sold as new. This “disclosure statement” may only be removed after written acceptance by the commissioner of motor vehicles of an authorized engineering report that the defect(s) or condition(s) or combination of both has been corrected.

(b) The “disclosure statement” affixed to the vehicle shall be not less than 4½ inches wide by 5 inches long. The heading shall be bold face type in capital letters not smaller than 18 point in size and the body copy shall be regular or medium face type style not smaller than 12 point in size. A minimum of five numbered lines shall be provided. Each defect or condition which substantially impaired the motor vehicles use, safety or value shall be listed separately on a numbered line. The vehicle and title identification information shall be inserted in the spaces provided.

(c) The following disclosure language shall be contained in each contract for the sale or lease of a buyback vehicle to a consumer or contained in a form affixed to said contract and made a part thereof:

**DISCLOSURE STATEMENT**

Vehicle Identification Number (VIN): \_\_\_\_\_

Year: \_\_\_\_\_ Make: \_\_\_\_\_ Model: \_\_\_\_\_

Prior Title Number: \_\_\_\_\_ State of Title: \_\_\_\_\_

Warning: This vehicle was previously sold as new. It was subsequently alleged or found to have the following defect(s) or condition(s).

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_
4. \_\_\_\_\_
5. \_\_\_\_\_

As a result of the defect(s) or condition(s) or a combination of both enumerated above this motor vehicle was replaced or a refund made. This motor vehicle may not be sold as new.

(d) The “disclosure statement” contained in each contract as provided in subsection (c) shall have a minimum of 5 numbered lines, and each nonconformity shall be listed separately on a numbered line. The text of the disclosure shall be printed in 12 point boldface type except the heading shall be in 16 point extra boldface type. The entire notice shall be boxed. A dealer must obtain the consumer’s acknowledgment of this written disclosure at the time of sale or lease as evidenced by the consumer’s signature within the box containing the disclosure.

(e) The commissioner may request additional information relevant to any vehicle returned from a consumer in addition to that provided by the “disclosure statement” as required in accordance with subsections (a) and (c).

(Effective October 23, 1995)

**Sec. 42-179-9. Display and sale or lease of motor vehicle**

(a) No person including a dealer or lessor shall display, and no manufacturer or person or firm acting for or on behalf of a manufacturer shall authorize the display of any motor vehicle subject to the provisions of Section 42-179-7(a) without affixing to the vehicle the “disclosure statement” required by Section 42-179-7(b).

(b) No person including a dealer or lessor shall sell or lease a motor vehicle subject to the provisions of section 42-179-7(a) unless the disclosure language required by section 42-179-7(b) is included in any contract for the sale or lease of such vehicle.

(c) Violation of this section by a dealer or manufacturer may subject the dealer or manufacturer to penalties under Chapter 246 of the General Statutes.

(Effective October 23, 1995)

**Sec. 42-179-10. Notice to appear on title**

(a) If a manufacturer accepts the return of a motor vehicle or compensates any person who accepts the return of a motor vehicle pursuant to the provisions of subsection (g) of Section 42-179 of the General Statutes, such manufacturer shall stamp the words “MANUFACTURER BUYBACK” clearly and conspicuously on the face of the original title in letters at least one-quarter inch high and, within ten (10) days of receipt of the title, shall submit a copy of the stamped title to the Title Section of the Department of Motor Vehicles, 60 State Street, Wethersfield, CT 06161.

(b) The commissioner of motor vehicles shall cause the words “MANUFACTURER BUYBACK” in letters which are at least one-quarter inch high to appear clearly and conspicuously on the face of any new title for a vehicle listed as being returned from a consumer in accordance with the provisions of subsection (f) of Section 42-179-7.

(c) Any person who applies for a title for a vehicle returned pursuant to the provisions of subsection (g) of Section 42-179 of the General Statutes shall disclose, upon application for title to the commissioner of motor vehicles, that such vehicle was so returned.

(Effective October 23, 1995)

**Sec. 42-179-11. Applicability to out-of-state vehicles**

The provisions of Sections 42-179-7, 42-179-8, 42-179-9 and 42-179-10 shall apply to motor vehicles originally returned in another state from a consumer due to a nonconformity or defect in exchange for a refund or replacement vehicle and which a lessor or transferor with actual knowledge subsequently sells, transfers or leases in this state.

(Effective October 23, 1995)