RE: Odometer Statement – Actual Mileage or Not Actual Mileage

Effective date: Immediate

Date: July 12, 2012 To: All MVD

From: Mac Lewis, MVD Policy and Procedures Manager

[This is the latest in a series of procedural updates. These updates deal with specific MVD procedures and practices. Managers and Supervisors should consistently distribute the updates to all personnel and integrate them into regular information and training sessions.]

Effective immediately, whoever has the legal ability to transfer title also has the ability to assert actual mileage ("to the best of my knowledge"), except when there is a gap in the vehicle's ownership history such that the transferor cannot reasonably claim to have knowledge of the vehicle's actual mileage.

It has been MVD's policy that when the vehicle's owner of record is deceased, because the owner of record is not able to sign the Odometer Disclosure Statement, the odometer reading must be recorded as NM (not actual mileage).

Effective immediately, we will now accept Odometer Disclosure Statement mileage as AM (actual mileage) if it is so identified to the best of the transferor's knowledge, when the transferor has legal authority to so, for example as the personal representative of a vehicle owner who is deceased or otherwise incapacitated and unable to sign for himself.

However, when title to a vehicle has been acquired through a lien process, such that the new owner/transferor cannot reasonably claim to have knowledge of the vehicle's actual mileage, the Odometer Disclosure Statement mileage must be recorded as NM (not actual mileage).

For example, when an abandoned vehicle is towed and title is subsequently acquired by the towing company using the towing lien process, the new owner cannot claim to know the vehicle's actual mileage, and mileage must be recorded as NM (not actual mileage).

Field office managers and supervisors should refer any comments or questions regarding this Procedural Quick Update to their Bureau Chiefs, with cc to mac.lewis@state.nm.us. Others are encouraged to direct comments or questions directly to Mac Lewis, MVD Policy and Procedure Manager, at mac.lewis@state.nm.us.