



301 Gervais Street, P.O. Box 125, Columbia, South Carolina 29214

SC REVENUE PROCEDURE #93-4 (DMV)

SUBJECT: Odometer Exemptions
(DMV)

ASST. DIRECTOR: F. E. Sojourner
(DMV)

EFFECTIVE DATE: September 15, 1993

SUPERSEDES: All previous documents and any oral directives in conflict
herewith.

REFERENCE: SC Code Ann. Section 56-3-240 (1991)
SC Code Ann. Section 56-19-240(d) (1991)

AUTHORITY: SC Code Ann. Section 12-4-320 (Supp. 1992)
SC Revenue Procedure #87-3

SCOPE: A Revenue Procedure is a statement describing agency procedures
and is applicable only to employees of the Department of Revenue.

PURPOSE: Truth In Mileage allowed several exemptions concerning the
odometer information and in order to comply with Federal Law, this
procedure would reduce and eliminate complaints on late model
vehicles and large trucks.

This memorandum will establish a DMV Procedure concerning odometer disclosures on motor vehicles.

Federal Law (Truth In Mileage Act) was passed in 1986 and enacted in 1989 requires that the selling of a motor vehicle be completed by a secured process.

Sections 56-3-240 and 56-19-240(d), S.C. Code of Laws, were amended to reflect that change.

A secured process is defined as a mechanism used to deter or detect counterfeiting, unauthorized reproductions and allows alterations to be visible to the naked eye.

Furthermore, additional changes were made in the Federal Regulation concerning Truth In Mileage in September of 1991 that became mandatory February 1, 1993, and the following information is to be used as guidelines for registering or titling motor vehicles.

Beginning February 1, 1993, the first assignment of title must be completed on the title document by the owner.

A separate secured assignment will not be acceptable in lieu of the title being assigned under the new rules. Two exceptions were allowed in order to allow someone other than the owner to sign the title by using a secured power of attorney and they are:

1. If the title is being held for a lien.
2. If the title has become lost and a duplicate must be obtained.

Upon receipt of the title, the secured power of attorney must be used to complete the assignment on the reverse side of the title and if the title and original power of attorney are not submitted to the state, or if they are submitted to a state other than South Carolina, a copy of the power of attorney must be submitted to South Carolina DMV along with a copy of the front and back of the title, showing the odometer disclosure.

The following guidelines are defined as secured processes for South Carolina and either one will be acceptable on transactions dated prior to July 1, 1992.

1. South Carolina title dated June 19, 1989 or after properly assigned over on the back.¹
2. South Carolina title dated prior to June 19, 1989 properly assigned over on the back and accompanied by a bill of sale.²

A summary of changes on sales dated on or after February 1, 1993 are as follow:

1. South Carolina title must be signed by owner or by power of attorney.³
2. Dealer reassignments can be used provided the title has been properly reassigned on the first assignment.

¹When the vehicle owner's title is being held by a lienholder or is lost, the owner must return to sign the certificate of title (or duplicate title when received) or may opt to utilize a secured power of attorney allowing the purchaser to sign the transfer documents and the title.

²Same as Footnote 1.

³When the vehicle owner's title is being held by a lienholder or is lost, the owner must return to sign the certificate of title (or duplicate title when received) or may opt to utilize a secured power of attorney allowing the purchaser to sign the transfer documents and the title.

3. Buyer(s) and Seller(s) must hand print name and sign.^{4 5}

Out of state transactions will be handled as usual. Whenever the vehicle first comes into South Carolina, that is where the above requirements are mandatory by State and Federal Law.

Magistrates, Sheriffs, and other court orders will be handled as usual.

Truth In Mileage allowed several exemptions concerning disclosing the odometer information and in order to reduce and eliminate complaints on late model vehicles and large trucks, the exemptions below are now allowed and an odometer statement is no longer required on those type vehicles.

1. Vehicles that are 10 years old or older, based on the current model year.
2. Vehicles that have a Gross Vehicle Weight Rating of more than 16,000 lbs.

If the owner elects to record the odometer information, all mileage information must be submitted.

However, if the owner of one of the above mentioned type vehicles does not have the odometer information, "EXEMPT" must be placed in all odometer spaces and when the title is processed, "EXEMPT" would be recorded on the title and will not be removed, including future transactions involving these vehicles.

For questions concerning Odometer Exemptions, contact Title Section at (803) 737-1124.

⁴Same as Footnote 3.

⁵The printed name of the seller and buyer must reflect the name of the person signing and whenever a company or corporation is involved, both the name of the company and the name of the person signing must be hand printed.