



U.S. Department of Transportation
**National Highway Traffic Safety
Administration**



1200 New Jersey Avenue SE.
Washington, DC 20590

January 12, 2021

BY E-MAIL

Mr. Kevin S. Ro
Director/Group Manager
Sustainability & Regulatory Affairs
Toyota Motor North America, Inc.

Re: Illegality of Electronic Devices that Prevent Odometers from Accurately
Accumulating Miles

Dear Mr. Ro:

On January 4, 2021, you sent a letter on behalf of Toyota Motor North America, Inc. (Toyota) requesting the views of the National Highway Traffic Safety Administration (NHTSA) on the legality of devices which connect to the instrument panel in a vehicle to prevent or partially prevent odometers in motor vehicles from accumulating mileage. Your letter indicates that such devices are available for purchase on the Internet and that Toyota believes they may be used to slow or stop the accumulation of mileage shown on the odometer of leased vehicles. Your letter also raises Toyota's concern that some of these devices may render the odometer, speedometer, and steering wheel control buttons inoperable once installed, and they may prevent a vehicle from receiving the proper maintenance and inspections based its true mileage.

In NHTSA's view, the marketing for sale, sale, or use of such a device that prevents an odometer display from reading the correct mileage is a violation of Federal law. It is unlawful for a person to "advertise for sale, sell, use, install, or have installed, a device that makes an odometer of a motor vehicle register a mileage different from the mileage the vehicle was driven, as registered by the odometer within the designed tolerance of the manufacturer of the odometer." 49 U.S.C. § 32703(1). A person also may not "disconnect, reset, alter, or have disconnected, reset, or altered, an odometer of a motor vehicle intending to change the mileage registered by the odometer." *Id.* § 32703(2). In addition, it is illegal for a person, "with intent to defraud, [to] operate a motor vehicle on a street, road, or highway if the person knows that the odometer of the vehicle is disconnected or not operating." *Id.* § 32703(3).¹

The marketing for sale, sale, or use of an electronic device that slows or stops a motor vehicle's odometer from registering mileage driven violates 49 U.S.C. § 32703. NHTSA is aware of no legitimate use for such a device. The devices about which you inquired have two uses: (1) enabling users to completely block a motor vehicle's odometer from accumulating any mileage

¹ It is also against Federal law to "conspire to violate" 49 U.S.C. § 32703. 49 U.S.C. § 32703(4).

while the vehicle is being driven; and (2) enabling users to partially block a motor vehicle's odometer from accumulating mileage while the vehicle is being driven (for example, under this mode, a vehicle driven 100 miles would add less than 100 miles to the vehicle's odometer).² Consequently, because these devices make an odometer register a different mileage than what the motor vehicle was actually driven, the marketing, sale, or use of these devices violates 49 U.S.C. § 32703(1). Moreover, as there is no apparent purpose for such a device other than to change the mileage registered by a vehicle's odometer, use of the device and operation of a vehicle by a person knowing that the device is in use is in violation of 49 U.S.C. §§ 32703(2) and (3).

NHTSA may impose civil penalties of up to \$11,125 for each violation of 49 U.S.C. § 32703—up to a maximum of \$1,112,518 for a related series of violations. 49 U.S.C. § 32709(a)(1); 49 C.F.R. § 578.6(f)(1).³ Knowing and willful violations of 49 U.S.C. § 32703 are also subject to criminal penalties, including fines under Title 18 of the United States Code, imprisonment for not more than 3 years, or both. 49 U.S.C. § 32709(b). A person that violates 49 U.S.C. § 32703 may also be subject to other appropriate action, including a civil action by a State in which the violation occurs. 49 U.S.C. §§ 32709(c)-(d).

As your letter indicates, the installation or use of a device that prevents a vehicle's odometer from accurately recording mileage may pose serious safety consequences, in addition to economic and commercial harm. NHTSA remains steadfast in enforcing Federal odometer laws. If you need further assistance, please contact Dan Rabinovitz at 202-366-8534 or via email at Daniel.Rabinovitz@dot.gov.

Sincerely,

Jonathan C. Morrison
Chief Counsel

² These devices may also be set to accurately accumulate mileage (i.e., to not block mileage). In this mode, the device serves no purpose.

³ "A person that violates 49 U.S.C. Chapter 327 or a regulation prescribed or order issued thereunder, with intent to defraud, is liable for three times the actual damages or \$10,932, whichever is greater." 49 C.F.R. § 578.6(f)(2).