

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H.F. 375

**DATE:** February 16, 2001

**Version:** As introduced

**Authors:** Kubly and others

**Subject:** Tampering with Clock-Hour Meters on Tractors

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### Overview

A clock-hour meter registers the time a farm tractor has been in operation. The bill creates civil and criminal penalties for tampering with these devices.

### Section

- 1 **Definitions.** Defines "tractor" and "owner" for purposes of the bill. An owner is someone other than a secured party who has property or title to a farm tractor, excluding a lessee under a lease not intended as security.
- 2 **Clock-hour meters; prohibited acts.** Prohibits (1) knowing tampering, set back, adjustment, change, or disconnect of a meter, or (2) with intent to defraud, failing to connect a meter or (3) causing any of the above, so as to reflect fewer hours than a tractor has actually been in operation.

Prohibits operation of a farm tractor on a street or highway knowing the clock-hour meter is disconnected or nonfunctional.

Prohibits advertising the sale, use or installation of a device to cause a clock-hour meter to register anything other than the true hours of operation of a tractor.

Prohibits selling or offering to sell a farm tractor with knowledge that the mileage has been altered to reflect fewer hours than the tractor has been in operation, unless the fact of alteration is disclosed to the prospective buyer.

Prohibits conspiracy to violate this section or section 3 of the bill.

Allows repair or replacement of a farm tractor clock-hour meter as long as (1) the hours registered remain accurate, or (2) a notice is attached to the left door frame of the tractor specifying the hours before repair or replacement and the date of repair or replacement.

Prohibits removing or altering this notice.
- 3 **Transfer of farm tractor; disclosure.** Prohibits transferring a farm tractor without written

disclosure of (1) the true hours of operation, or (2) the fact that the true hours are unknown. Requires the registrar of motor vehicles to adopt rules for making the written disclosure. Prohibits a transferor from violating rules adopted under this section and from knowingly making a false statement under the rules.

- 4 **Penalties; remedies.** A violation of sections 1 to 4 is a gross misdemeanor. A violation is also subject to civil enforcement by the attorney general like other consumer protection laws. A person injured by a violation of sections 1 to 4 may bring a private action for actual damages, costs, and attorney fees. Lets the court increase the damage award to \$1,500 or three times the actual damages sustained, whichever is greater.