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AB-1871 Vehicle history reports. (2021-2022)

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Assembly Bill No. 1871

CHAPTER 863

An act to add Title 1.5A (commencing with Section 1784.1) to Part 4 of Division 3 of the Civil Code, relating to civil law.

[Approved by Governor September 30, 2022. Filed with Secretary of State September 30, 2022.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1871, Calderon. Vehicle history reports.

Existing law, with certain exceptions, prohibits a dealer from displaying or offering for sale at retail a used vehicle unless the dealer first obtains a vehicle history report from the National Motor Vehicle Title Information System (NMVTIS). Existing law authorizes the NMVTIS data provider to include in the vehicle history report additional history information obtained from resources other than NMVTIS, as specified.

This bill would require a vehicle history report, as defined, to clearly and conspicuously disclose contact information of the vehicle history report provider, by which a consumer can submit an inquiry regarding the vehicle history information contained in the report, as specified. The bill would specify a process by which the vehicle history report provider would be required to confirm and respond to inquiries. The bill would declare any attempted waiver of these provisions void as contrary to public policy.

Vote: majority Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Title 1.5A (commencing with Section 1784.1) is added to Part 4 of Division 3 of the Civil Code, to read:

TITLE 1.5A. Vehicle History Reports

1784.1. (a) For purposes of this section, the following definitions apply:

- (1) "Affiliate" means any person or persons controlling, controlled by, or under common control with, other persons.
- (2) "Dealer" has the same meaning as in Section 285 of the Vehicle Code.
- (3) "Vehicle" has the same meaning as in Section 670 of the Vehicle Code.
- (4) "Vehicle history database" means a database from which a person may obtain vehicle history information specific to a vehicle identification number (VIN).
- (5) "Vehicle history report provider" means an entity that generates vehicle history reports from a vehicle history database that are provided directly to consumers for the purpose of selling or purchasing a vehicle. "Vehicle history report provider" does not

include a dealer that obtains a vehicle history report from a third party that is not an affiliate of the dealer and who then communicates the vehicle history report without altering the vehicle history information therein.

(6) "Vehicle history information" includes, but is not limited to, any of the following related to a vehicle:

- (A) Accident or damage information.
- (B) The number of previous owners.
- (C) Information regarding service or maintenance history.
- (D) Odometer reading.

(7) "Vehicle history report" means any written or electronic communication of vehicle history information made by a vehicle history report provider that is made available to consumers.

(b) (1) Every vehicle history report shall clearly and conspicuously disclose the vehicle history report provider's contact information by which an owner can submit an inquiry regarding the vehicle history information contained in a vehicle history report, including a request for a vehicle history report provider to research and address any potential discrepancies found within the vehicle history report.

(2) A vehicle history report provider shall confirm receipt of a California resident's inquiry under paragraph (1) promptly, within three days of receipt. The confirmation shall include a means to obtain regular updates until the request is completed.

(3) A vehicle history report provider shall use reasonable efforts to complete the inquiry within 14 days from the date it was received. If there is a delay in completing the inquiry that is beyond the reasonable control of the vehicle history report provider, the 14-day requirement is waived and the vehicle history report provider shall promptly notify the consumer of the delay no later than the 15th day from the date the inquiry was received and shall provide the requester weekly updates thereafter until the inquiry is completed.

(c) Any attempted waiver of the provisions of this section is contrary to public policy, and is void and unenforceable.

(d) This section does not relieve any party of its responsibilities under Section 11713.26 of the Vehicle Code. To the extent that a provision of this section conflicts with Section 11713.26 of the Vehicle Code, Section 11713.26 of the Vehicle Code shall control.