

NOTICE OF PROPOSED GUIDANCE DOCUMENT

Problem Used Car

Pursuant to Wis. Stat. s. 227.112, the Wisconsin Department of Transportation is hereby seeking comment Problem Used Car s. 218, a proposed guidance document.

PUBLIC COMMENTS AND DEADLINE FOR SUBMISSION

Comments may be submitted to the Wisconsin Department of Transportation for 21 days by:

1. Department's website: <https://wisconsindot.gov/Pages/dmv/cons-protect/know-rghts/problemusedcar.aspx>

2. Mailing written comments to:
Division of Motor Vehicles
Wisconsin Department of Transportation
4822 Madison Yards Way
PO Box 7336
Madison, WI 53707-7336

WEBSITE LOCATION OF FINAL GUIDANCE DOCUMENT

The final version of this guidance document will be posted at wisconsindot.gov to allow for ongoing comment.

AGENCY CONTACT

DOTDMVGuidanceDocs@DOT.WI.GOV



State of Wisconsin Department of Transportation

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(en español)

Car buyers are protected by law

If you bought your used car from a licensed Wisconsin dealership, you are protected by Wisconsin's Motor Vehicle Trade Practice Laws. You don't have the same protection if you buy from a private party.

A dealership must tell you what it can reasonably discover about the vehicle

Dealerships perform a used vehicle inspection and complete a window disclosure label before offering a vehicle for sale. They test drive the vehicle, and check the exterior of the vehicle, the underside, and under the hood for problems. They also review any paperwork they have for the vehicle, including the vehicle title. The dealership then completes a window label called the

Wisconsin Buyers Guide. The Buyers Guide tells you if the vehicle has any existing problems or important history you should know about. Dealerships are required to list any problems they should reasonably have known about based on their inspection, test drive and paperwork check. They do not have to take vehicles apart or run diagnostic tests to find hidden problems. They also do not have to tell you about future problems your vehicle may develop because of its current age or condition.

Vehicle condition should match the label

You are entitled to receive a vehicle that is in the condition the Wisconsin Buyers Guide window sticker describes. If the dealer fails to list on the Buyers Guide an existing problem they should have detected during the test drive or inspection, you may have remedies under the law.

See your Wisconsin Buyers Guide for vehicle information

The Wisconsin Buyers Guide provides the following useful information about a used vehicle offered for sale:

How the vehicle was used.

For example, the label will show if the vehicle was privately driven, leased, used as a business vehicle, rented or used as a police vehicle. A vehicle's history may tell you something about how it was driven and cared for.

Title brands that will be on your title.

Title brands are permanent notations that will appear on any future title issued for a particular vehicle. Brands show, for example, whether a vehicle was rebuilt salvage, flood damaged, or bought back by the manufacturer under a lemon law.

Year, make and model of the vehicle.

It also lists, the vehicle identification number (VIN), engine size and transmission type.

Warranty information.

Whether the vehicle is being sold with remaining manufacturer warranty, a dealer warranty or "as is." A vehicle sold "as is" has no manufacturer or dealer warranty. The dealer has no obligation to pay for repairing problems that develop after the sale. However, even when selling a vehicle "as is," the dealer must inspect the vehicle and disclose existing problems. The "Wisconsin Buyers Guide" must accurately reflect the condition the vehicle is in at the time of sale.

The condition of general and safety equipment items.

It is legal for a dealership to sell you a vehicle with safety or general condition problems. They can even sell you a vehicle that is not legal to operate on Wisconsin roadways. However, they must disclose these problems on the "Wisconsin Buyers Guide."

Dealers are not required to note that a vehicle had been in an accident

The "Wisconsin Buyers Guide" does not require the dealership to mark whether the vehicle has ever been in an accident. In some cases, there would be no way a dealership could detect repaired damage based on the inspection and test drive. However, a dealership is required to tell you about any **existing** accident damage, or any repaired damage to the vehicle frame, strut tower, floor pan, or structural portion of the unibody. Again, the dealership is only obligated to disclose items it could

reasonably detect during the test drive, vehicle inspection, and inspection of vehicle records at the dealership.

If you ask dealerships whether or not the car has been in an accident, they are not required to do additional research to find out and tell you. However, they should tell you if there are signs that the vehicle was in a bad accident or one that affects how it works now.

Motor Vehicle Purchase Contract is binding

Dealers will have you sign a Motor Vehicle Purchase Contract when you buy a car. The law requires a dealership to have you sign the contract **anytime it takes a deposit from you**. The purchase contract is binding when you and the dealership have signed it. You cannot cancel the contract without paying a penalty. There is no 3-day right to cancel a contract signed at a dealership. (See [purchase cancellation](#)). It is important to read and **understand the entire contract before you sign it**. Don't sign until you are sure you want to buy the car.

Get promises in writing

Any promises the dealership makes to you regarding your vehicle or purchase should be written on the Motor Vehicle Purchase Contract. If you are buying a vehicle with the understanding that something will be fixed for you before or after you pick up the car, get it in writing. Spoken promises are very hard to prove or enforce. (For more tips on being a wise car-buyer, see [vehicle buyer's guide - "Wise Buys"](#))

Dealer & Agent Section can help

If you have a problem with a used car you bought from a Wisconsin dealership, Wisconsin Department of Transportation's (WisDOT) Dealer & Agent Section may be able to help. However, Wisconsin law says that before it can investigate your case, you must tell the dealership about the problem and give it an opportunity to resolve the situation. Keep a record of any contact with the dealership, including whom you talk to and when. Get an invoice for any repairs, or write down the date, time, and repair person's name. Be reasonable and friendly with the dealer. Make clear exactly what you would like the dealership to do to resolve your problem. If you don't resolve your dispute with the dealer, contact WisDOT's Dealer & Agent Section at (608) 266-1425 or by email at: DealerLicensingUnit@dot.wi.gov.

How to file a complaint against a dealership

Complete and mail in the Dealer Complaint form [MV2338](#). Attach readable copies or originals of documentation related to your vehicle purchase. WisDOT will use the information you provide to resolve your complaint and enforce the laws. It may share the information with the dealer you name in your complaint. Under Wisconsin's Open Records Law, your complaint will be available for public review upon request.

Dealer & Agent Section regulates industry

WisDOT's Dealer & Agent Section licenses, regulates and educates the motor vehicle industry, and resolves disputes about dealership sales and warranty repairs. The Dealer & Agent Section also investigates complaints about odometer tampering involving dealerships and private sellers.

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Related information:

- [Vehicle buyer's guide - "Wise Buys"](#)
- Search tool to check for unperformed safety recalls: visit safercar.gov/VIN and enter your vehicle identification number.

If you have questions:

Email [Wisconsin DMV email service](#)

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