

# Filing an Automotive Industry Complaint

*Automotive Dealer, Automotive Recycler, Partner office or Title Service Company*

The Dealer Licensing Bureau (DLB) of the New Mexico Motor Vehicle Division (MVD) investigates and seeks appropriate resolution of complaints regarding the operations of automobile dealers, automobile recyclers, MVD partner offices (private MVD offices) and Title Service Companies violating the Motor Vehicle Code.

## **When and how to file a complaint?**

Before filing a complaint contact the business, through the general manager or owner, explain the problem. If your problem is not satisfactorily resolved, file a written complaint with the Dealer Licensing Bureau at <https://eservices.mvd.newmexico.gov/eTapestry/#5> (Submit a Complaint for a Dealer, Partner, or Auto-Recycler). All complaints should be accompanied by copies of any and all documents pertaining to the complaint (sales agreement, temp tag, odometer disclosure statement, etc). The Motor Vehicle Division Investigator will be in contact once your complaint has been received and reviewed by the Dealer Licensing Bureau.

## **Examples of Type of Complaints address by the Dealer Licensing Bureau**

An inquiry into a complaint is limited to alleged violations of the Motor Vehicle Code.

### Examples of Motor Vehicle Code Violations:

- Failing to deliver title within 30 days of the sale.
- Selling a vehicle outside of the licensed dealer location (excludes permitted off-site sales).
- Failing to meet all terms and conditions contained in the written contract.
- Tampering with an odometer or giving a false odometer statement.
- Unlicensed business.
  - Dealers, “Curbstoners”- selling off craigslist, vacant lots, etc
  - Auto recyclers (junk yards, dismantlers, car scrap yards)
  - Title processing offices
- Selling vehicles that are mechanically unfit, unsafe or do not meet the emissions requirements.
- Selling a salvage vehicle without proper disclosure.
- Selling a vehicle that is known to be stolen.

If you have questions concerning the status of your complaint, please contact the Dealer Licensing Bureau at 505-383-2316.

## **Additional details concerning complaints:**

- **Buyer's Remorse:** The State of New Mexico does not have any type of a waiting period that allows you to return a vehicle you have purchased. Once the contract is signed and the vehicle delivered, the car deal has been consummated.
- **Understand the Sales Contract:** Make sure you get a copy of the written sales contract and any amendments or additions.
- **Verify the VIN:** Confirm the VIN number of the vehicle you are purchasing matches the VIN number on all the paperwork, especially the title.
- **Warranty:** ALL used motor vehicle dealers are required to provide at least a 15-day 500 mile warranty on all used motor vehicles sold to consumers. There are no "as-is" used car sales at licensed dealers.
  - The 15-day/500 mile warranty period ends after the 15th day, or after 500 miles, whichever occurs first.
  - If your car breaks down during the 15-day/500-mile warranty period, you have to return the vehicle to the dealership you bought it from before you make any attempts to repair the vehicle and give the dealership the opportunity to fix the problem.
  - You may waive the 15-day/500-mile warranty, but only for the problems the dealer tells you about both orally and in writing before the sale is completed.
- **Private Party Sales:** Private sales are not regulated by state law. Consumers who buy vehicles displayed for sale from roadsides, vacant lots, or commercial parking lots have no recourse if there is a problem with registration or titling, it becomes a private civil matter. In most cases, it is illegal to sell a vehicle from an empty lot. New Mexico state law allows private parties to sell only four (4) personally owned vehicles per year without a dealer's license.
- **Sales Tax:** Motor Vehicle Excise Tax is 3% of the total purchase price (less the trade if applicable). Altering the vehicle purchase price to "save on tax" is tax evasion and subject to criminal charges.

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