

I am a resident of the state of Florida, and currently a law student at the Shepard Broad Law Center of Nova Southeastern University in Davie, Florida. I support the Commission's proposed amendments to the Used Car Rule because they effectively serve to protect and inform consumers by providing necessary vehicle history information, advising how to obtain additional information on the Buyers Guide, modifying the definition of the 'As Is' statement, and requiring dealers to check boxes on the front of the Buyers Guide regarding available warranties.

First of all, I support the proposed modifications to address vehicle history reports. Requiring dealers, who have obtained a vehicle history report, to check a box on the Buyers Guide indicating they have the report at their disposal, and if so, requiring said dealers to provide consumers with a copy upon request, does not impose an undue burden on dealers, yet serves its purpose of protecting and informing consumers. However, the Commission must recognize that not all prospective buyers of used cars are sophisticated enough to request this upon the purchase of a vehicle. Thus, if the dealer has the report at his disposal, the Commission should require the dealer to verbally inform consumers of such a report in addition to merely revealing that the dealer obtained such report on the Buyers Guide. As mentioned previously by a commenter on behalf of the East Bay Community Law Center, under the Uniform Commercial Code, all transactions must be done in "good faith," and carried out with honesty through the information provided and conduct of the parties during the transaction. Furthermore, courts do extend great deference to consumers' high expectations under the implied warranty of merchantability doctrine. For these reasons, I support the Commission's proposed amendment modification of accompanying the boxes on the buyers guide with statements encouraging consumers to obtain their own vehicle history report, whether or not the dealer checked the box. Not only do these

statements provide heightened protection to consumers, but they also act to shield dealers from facing potential liability.

Furthermore, I also support the Commission's proposed amendment to clarify the existing 'As Is' statement in order to make it easier for consumer comprehension. However, I agree with several of the previous commenters that the NPRM revision of the 'As Is' statement does not effectively maintain the meaning and could cause confusion among consumers. Therefore, I suggest the Commission to adopt the wording of the alternative statement by CARS, recommending that the Buyers Guide state: "AS IS—NO DEALER WARRANTY. DEALER DENIES ANY RESPONSIBILITY FOR ANY REPAIRS AFTER SALE." This version of the statement is a well-drafted, unambiguous 'As Is' statement that can easily be understood by consumers. The other alternatives from NC AG and East Bay are too wordy and may obscure the meaning to consumers.

Lastly, I support the Commission's proposed non-dealer warranty boxes appearing on the front of the Buyers Guide. I agree with the Commission that the existing language, "The manufacturer's original warranty has not expired on the vehicle," effectively discloses the existence of an unexpired warranty to consumers. However, I believe it would offer even more protection to consumers if the Commission required dealers to verbally ask consumers if they would like an explanation of warranty coverage, exclusions, and repair obligations, rather than merely advising consumers to ask on the Buyers Guide.

Overall, the proposed amendments provided are fair and effective. Many consumers reasonably rely on car dealers' representation because of their experience in the industry. Therefore, it is imperative for the Commission to ensure that consumers are provided the utmost protection from the risk of falling victim to auto fraud. I believe the Commission should be

commended for making such a great effort to protect consumers, yet not placing an undue burden on dealers.