

ENQUIRY DRAFT

Requirements for Sale of used motor vehicles



Guyana National Bureau of Standards

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Foreword

This Guyana Standard was developed by the Guyana National Bureau of Standards (GNBS) on the recommendation of the **Technical Committee (TC) 31 - Consumer products** and approved by the National Standards Council in 2021.

This standard is intended to aid the regularisation of the motor vehicle industry and benefit used motor vehicle suppliers and consumers.

This National Standard was developed with assistance from The CARICOM Model Consumer Protection Bill, 2016 and The CARICOM Model Consumer Standard (Used Motor Vehicles) Regulations, 2017.

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Requirements for Sale of used motor vehicles

1 Scope

1.1 This standard applies to:

- (a) a used motor vehicle that is offered or displayed for sale by a supplier, whether the supplier is acting as an agent for another person or through a motor vehicle trader or dealer;
- (b) a supplier who is a party to, or acts as an agent for a party to, a contract for the sale of a used motor vehicle to which this standard applies; and
- (c) a consumer information notice that should be provided by the supplier which discloses information about a motor vehicle.

1.2 This standard does not apply to:

- (a) a used motor vehicle that is offered or displayed for sale by a supplier if it is offered or displayed for sale exclusively to other suppliers registered under the competent authority to provide such services or to suppliers who are licensees under the law of State to provide services such as car wreckers; and
- (b) a moped, a trailer, a mobility device, a tractor or farm machinery or any vehicle of any class or description declared by the relevant authority to be a motor vehicle.

2 Normative references

The following documents are referred to in the text in such a way that some or all their content constitutes requirements of this document. For dated references, only the edition cited applies. For undated references, the latest edition of the referenced document (including any amendments) applies:

Consumer Affairs Act Number 13 of 2011

GYS169 - Specifications for the content of warranties for goods

3 Definitions

3.1 agent

A person who acts on behalf of another person or group using the appropriate medium. In the case of a company a letter of authorization and for an individual a Power of Attorney.

3.2 agreement of sale

Commonly used for sale of a motor vehicle. An agreement of sale should state the purchaser and the buyer and the item stated for sale, with special clauses and warranty if any.

3.3 bill of sale

This is normally used when a vehicle is being sold on credit along with the hire purchase. The bill of sale gives the seller the right to levy on the purchaser for the outstanding owed on the motor vehicle if the purchaser fails to honor the hire purchase agreement. The bill of sale is filed in the deed's registry, along with the bill of sale and agreement of hire purchase where the motor vehicle can be repossessed and transferred to another person.

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3.4 car wrecker

A person who is licensed under the relevant authority as a supplier who buys, during that person's business, any motor vehicle for wrecking or dismantling by that person.

3.5 consumer

A person who acquires or wishes to acquire a used motor vehicle.

3.6 consumer information notice

A notice that discloses information about a motor vehicle.

3.7 credit

An outstanding amount owed on a vehicle.

3.8 customer

A person who buys or purchases products or services from a shop or business.

3.9 hire purchase agreement

This agreement is made with intention to purchase over a period of time. Clauses may be different from dealer to dealer.

3.10 mobility device

A vehicle that is designed and constructed (not merely modified) for use by persons who require mobility assistance or neurological impairment.

3.11 motor vehicle

A road vehicle that is drawn or propelled by mechanical power and is of a kind ordinarily acquired by consumers for personal, domestic, household use and for mobility assistance or neurological impairment.

3.12 motor vehicle trader or dealer

A person who works for a commission or with intent to make a profit or gain of money or other thing of value, sells leases, exchanges, rents with option to purchase, offers, or attempts to negotiate a sale, lease, or exchange of an interest in new or used motor vehicle or who is engaged.

3.13 private individual

A person who is selling a vehicle that was previously owned.

3.14 purchase receipt

A purchase receipt is a document that is provided to customers as a record of their purchase. The purchase receipt should contain the company's Tax Identification Number (TIN).

3.15 supplier

A person who is a/an:

- (a) motor vehicle trader or dealer;
- (b) agent; and
- (c) private individual.

3.16 tax invoice

A tax invoice is an invoice sent by the registered dealer to the purchaser showing the amount of tax payable. It includes the description, quantity, value of goods and services and the tax charged.

3.17 trade association

A trade association, also known as an industry trade group, business association, sector association or industry body, is an organisation founded and funded by a business that operate in an automobile industry.

3.18 transfer fee

It is a one-time fee that is charged for the transfer of ownership of motor vehicles.

3.19 used motor vehicle

A motor vehicle that has, at any time before being offered or displayed for sale been registered in Guyana or another country. This also includes a motor vehicle that has been used for the purpose of demonstration in connection with the sale of another motor vehicle.

3.20 vehicle year

- (a) the calendar year in which the motor vehicle was manufactured;
- (b) the model year of the motor vehicle as designated by the manufacturer;
- (c) the year in which the motor vehicle was first registered anywhere in the world; and
- (d) the year the vehicle was first registered in Guyana.

4 Requirements of used motor vehicles

4.1 A used motor vehicle to which this standard applies shall have a consumer information notice that relates to that motor vehicle which is firmly attached to the motor vehicle in a prominent position that makes it clearly visible from the exterior of the motor vehicle.

4.2 If a used motor vehicle is offered or displayed for sale on the internet, a contract for its sale may be entered into. A consumer information notice, or access to a consumer information notice shall be clearly and prominently displayed on the same internet page as:

- (a) the offer or display for sale of that motor vehicle; and
- (b) the contract for sale that may be entered into in relation to that motor vehicle.

NOTE 1 The consumer information notice may be accessed through a hypertext link on the internet.

4.3 A consumer information notice shall be attached to or displayed in relation to a used motor vehicle to which it relates from the time a motor vehicle is first offered or displayed for sale until the time it is sold.

4.4 The consumer information notice shall be attached to or displayed in relation to a used motor vehicle to which it relates by the supplier, whether the supplier is acting:

- (a) as an agent for another person;
- (b) through a motor vehicle trader or dealer; and
- (c) as a private individual.

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4.5 The following requirements of the used motor vehicles should be clearly displayed:

4.5.1 Actual distance vehicle has travelled

The supplier shall write either the reading on the motor vehicle's odometer or, if there is uncertainty about the accuracy of the odometer, then the supplier should make either of the following declarations on the consumer information notice:

- (a) "I (name of supplier) cannot accurately determine the actual distance this motor vehicle has travelled because the odometer reading may be inaccurate;" or
- (b) "This motor vehicle's odometer reading is inaccurate."

4.5.2 Radio receiver capability

The supplier shall indicate whether the motor vehicle has a radio receiver capable of receiving broadcasts in the minimum range of 88 MHz without the use of a band expander.

4.5.3 Vehicle identification number or chassis number

The vehicle identification number of the motor vehicle shall be visible and readable.

4.5.4 Vehicle year

The supplier shall state the vehicle year **(see 3.20)**.

5 Requirements of consumer information notice

5.1 Format of notice

5.1.1 Every consumer information notice attached to, or displayed in relation to, a used motor vehicle shall:

- (a) be in the form specified in Appendix A;
- (b) be printed in a font size that is easily readable by a person at a reasonable distance from the consumer information notice, and printed on paper, card, or similar material, that is at least (21 cm in width and 29.5cm in length);
- (c) be completed by having the information required by the standard, legibly typed or written upon it;
and
- (d) if the vehicle is being sold by a private individual, the notice should be provided upon request.

5.1.2 The information typed or written upon a consumer information notice shall be updated to reflect any change in that information as soon as practicable after that change occurs.

5.1.3 Any name, logo, mark, design, or other information relating to the supplier, or a trade association to which the motor vehicle trader belongs, may be displayed along the top margin of a consumer information notice in a manner that does not detract from the contents of the consumer information notice.

5.1.4 A consumer information notice attached to, or displayed in relation to, a used motor vehicle to which this standard applies shall have information that complies with the following requirements clearly and legibly typed or written upon it.

5.1.5 The consumer information notice should have the following:

- (a) supplier information;
- (b) cash price;
- (c) hire purchase price;
- (d) security interest;
- (e) make and model;
- (f) engine capacity;
- (g) actual distance vehicle has travelled;
- (h) vehicle identification number or chassis number;
- (i) warranty;
- (j) operating fuel type;
- (k) outstanding local road user charges such as:
 - (1) tickets;
 - (2) road service licence;
 - (3) certificate of fitness;
 - (4) insurance; and
 - (5) hire purchase agreement of sale.
- (l) vehicle history such as:
 - (1) year first registered overseas;
 - (2) country where last registered;
 - (3) imported as damaged vehicle or accident repaired; and
 - (4) other information about used imported vehicles.

6 Requirements of supplier

6.1 The supplier shall provide to the customer the supplier's name, address, contact number and the supplier shall state the registration number or other unique identifier given to the supplier upon registration.

NOTE 2 The supplier may voluntarily choose to provide any other information to the customer, including email address.

6.2 The motor vehicle trader or dealer shall provide to the customer his/her Taxpayer Identification Number (TIN).

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6.3 The supplier shall:

- (a) obtain a written acknowledgement from the customer of the used motor vehicle indicating that the customer has received a copy of the consumer information notice that relates to that vehicle;
- (b) in the case of a car auctioneer, as soon as practicable after the sale of the vehicle or in any other case, immediately before the sale of the vehicle;
- (c) keep a copy of that consumer information notice and acknowledgment statement for a period of not less than 8 years after the date of the acknowledgment;
- (d) make a copy of that consumer information notice along with the acknowledgment statement and have them available for inspection at all reasonable times by the (relevant authority), or any person authorised by the (relevant authority), who asks to see it;
- (e) provide a bill of sale and hire purchase agreement in the case that the car is being purchased on credit;
- (f) provide an agreement of sale or tax invoice or purchase receipt in the case that the car is being paid in full; and
- (g) in the case of a registered vehicle, the transfer of fees shall be paid.

6.4 Consumer information acknowledgement

6.4.1 If a supplier is a party to, or acts as an agent for a party to, a contract for the sale of the motor vehicle, the consumer information notice shall contain a space for that supplier to sign and date the consumer information notice beneath the following words:

"I (name of supplier) have supplied to the customer a copy or electronic version of this notice, including a copy of the information on the back of this notice."

6.4.2 The consumer information notice shall contain a space for a customer of a motor vehicle to sign and date the customer information on the back of this notice:

"I (name of customer) have received a copy or an electric version of this notice, including a copy of the information on the back of this notice."

6.4.3 Both the supplier and a customer of a motor vehicle shall sign and date the consumer information notice to provide written acknowledgment that the customer has received a copy of the consumer information notice from the supplier.

7 Requirements for post-sale

7.1 The following requirement for post-sale of used motor vehicles should be provided:

7.1.1 Agreement of sale

The supplier shall provide the consumer with an agreement of sale upon purchase. The agreement shall contain spaces for both the consumer and supplier to sign and date the agreement. The supplier shall issue the consumer with a copy of the signed agreement of sale.

7.2 The following requirements for post-sale of used motor vehicles should be clearly indicated:

7.2.1 Certificate of fitness

The supplier shall indicate whether the motor vehicle has a current certificate of fitness (under the competent authority) and shall state the expiry date of the certificate of fitness.

7.2.2 Warranty

This shall be dealt with in accordance to the:

- (a) Consumer Affairs Act Number 13 of 2011; and
- (b) GYS 169 - Specifications for the Content of warranties for goods.

7.2.3 Vehicle license expiry date

7.2.3.1 The supplier shall indicate whether the motor vehicle has a current vehicle license, registration number and the registration certificate.

7.2.3.2 The supplier shall state the vehicle license expiry date as recorded on the most recent license (whether current or expired) issued under (the competent authority).

7.2.3.3 If the vehicle has never been issued with a license, the supplier shall leave the entry blank.

7.2.4 Registered vehicle

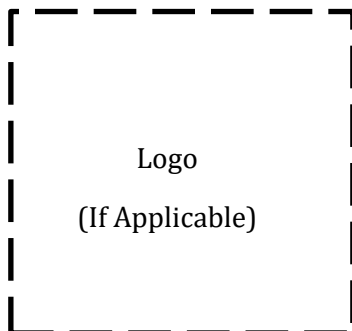
The supplier shall indicate whether the motor vehicle is currently registered as required by (the competent authority).

7.2.5 Registration plate number

7.2.5.1 The supplier shall state the number or distinguishing mark on the registration plate of the motor vehicle as recorded on the motor vehicle register.

7.2.5.2 If the motor vehicle is not registered, the supplier shall state "not registered".

Appendix A



Supplier information

Company Name:

Name:

Address:

Contact number(s):

Email:

Cash price:

Hire purchase price:

Make and model:

Engine capacity:

Actual distance vehicle has travelled:

Vehicle identification number or chassis number:

Warranty:

Operating fuel type:

Outstanding local road user charges (tickets, road service licence, certificate of fitness, insurance, hire purchase agreement of sale)

Vehicle history:

- I. Year first registered overseas:
- II. Country where last registered:
- III. Imported as damaged vehicle or accident repaired:
- IV. Other information about used imported vehicles:

END OF DOCUMENT