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## COMPLAINT PROCESS FOR CONSUMERS & DEALERS

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### BEFORE FILING A COMPLAINT

Contact the dealership and provide the information concerning the problem. If the **general manager** or **owner** does not satisfactorily resolve the problem, a complaint may be filed with the Auto Industry Division (AID).

### EXAMPLES OF A COMPLAINT

An inquiry into a complaint is limited to alleged violations of the motor vehicle law.

Examples of law violations could be:

- > Failing to deliver title within 30 days of the sale.
- > Failing to meet all terms and conditions contained in the written contract.
- > Tampering with an odometer or giving a false odometer statement.
- > Willfully misrepresenting or failing to disclose any information required by law.
- > Intentionally publishing or circulating any advertising that is misleading or inaccurate.
- > Selling vehicles that do not meet the safety and emission equipment requirements.
- > Failing to give notice of approval or rejection on a finance deal to the customer within a reasonable time.
- > Selling a salvage vehicle without proper disclosure.
- > Selling a vehicle that is known to be stolen.
- > Not maintaining a place of business and minimum operating hours.
- > Selling a vehicle to a resident of the AIR Program area without an emissions certificate/voucher.

### OTHER TYPES OF COMPLAINTS

There are certain circumstances that are **not** violations of the motor vehicle dealer law.

The consumer **does not** have 72 hours to change his or her mind on a car deal. When the contract is signed, the vehicle is bought and sold as of the contract date.

The dealer does **not have** to repair the vehicle after the sale when the vehicle is sold without a warranty and "AS IS," unless it is a safety item.

The Auto Industry Division **cannot** require a dealer to honor a verbal agreement. The consumer is provided a "State Disclosure Form" indicating that any verbal agreements are not enforceable.

The Auto Industry Division **cannot** dictate good business practices or ethical behavior. Complaints concerning these issues cannot be investigated.

### MOTOR VEHICLE WARRANTIES

If any repair work was not part of a vehicle sales contract, it is outside the jurisdiction of the AID. The local District Attorney does have jurisdiction over illegal actions by an automotive repair facility. A complaint concerning repair work may be filed with the District Attorney's office.

### LEMON LAW

The Lemon Law applies only to new vehicles under one year old. It does not apply to used vehicles purchased by consumers who encounter repair problems. The procedures for filing a complaint under the Lemon Law are found in the vehicle owner's manual. The AID has a publication on Colorado's Lemon Law that is available to consumers.

### HOW TO FILE A COMPLAINT

The Auto Industry Division requires a formal written complaint. A verbal complaint presented over the telephone or in person cannot be accepted.

The consumer complaint forms DR2121 and DR2122 should be completed explaining the specific circumstances of the situation including dates, times, and persons involved. A **copy of all paperwork** related to the complaint must be attached. Also include a home address and daytime telephone number. For

convenience, a handwritten or typed complaint may be filed instead of using forms DR2121 and DR2122.

The complaint may be mailed to State of Colorado, Department of Revenue, Auto Industry Division, Denver, CO 80261-0016 or delivered in person to 1881 Pierce St., Lakewood, CO.

### **WHO HANDLES THE COMPLAINTS**

The Auto Industry Division has jurisdiction to inquire into complaints in cases where a consumer has purchased a car, truck, trailer, or motorcycle from a licensed Colorado dealer and a violation of the law has allegedly occurred. Also, the AID will investigate unlicensed sales activity. They do not have jurisdiction to inquire into a complaint between private parties.

### **COMPLAINT RESOLUTION**

When a complaint is received, it is assigned to a Compliance Specialist or Investigator. During the course of the resolution, the AID may contact the complainant to discuss the issues raised and may also encourage the dealer to contact the complainant directly to resolve the complaint.

After receiving information from both parties, the AID determines if the facts support a violation of the law. The fact-gathering process takes about 30 days, depending on the complexity of the issue.

### **COMPLAINT FINDINGS**

If it is determined that a violation of the law **did not** occur, the complainant will be notified.

If it is determined that a violation occurred, the dealer and complainant are notified. The AID will attempt to mediate a fair resolution between the dealer and the complainant. The complainant will be advised of the dealer's agreement and time table to resolve the complaint.

Depending on the complaint, the AID may suggest civil litigation or recommend another agency. Neither the AID nor the Board can order or direct a dealer to give a refund to the complainant. The dealer may make such an offer in an effort to resolve the complaint. The complainant may have to pursue a civil suit or claim against the dealer's bond to obtain a monetary resolution. Claims against a dealer's bond must normally be supported by a Dealer Board finding of a violation or by a court judgment.

Upon conclusion, the complainant will be notified by telephone or in writing of the action taken. It typically takes approximately 30 days to complete the complaint resolution process.

### **FURTHER INFORMATION:**

If you have questions about the forms, the complaint process, or an assigned complaint, contact the Auto Industry Division at (303) 205-5604. The FAX number is (303) 205-5977. The AID Internet home page is located at [www.revenue.state.co.us/dlr/home.asp](http://www.revenue.state.co.us/dlr/home.asp) and has information available for consumers and dealers.

Walk-in assistance is provided at the Department of Revenue, 1881 Pierce Street, Lakewood, CO.