

109:4-3-08 New for used.

- (A) Except as provided for in divisions (C) and (D) of this rule, it shall be a deceptive act or practice in connection with a consumer transaction for a supplier to represent, directly or indirectly, that an item of goods, or that any part of an item of goods, is new or unused when such is not the fact, to misrepresent the extent of previous use thereof, or to fail to make clear and conspicuous disclosure, prior to time of offer, to the consumer or prospective consumer that an item of goods has been used.
- (B) For the purposes of this rule, "used" shall include used, rebuilt, remanufactured, or reconditioned goods or parts of an item of goods.
- (C) For the purposes of this rule, returned goods, which have not been used by a previous purchaser, shall be considered new or unused.
- (D) It shall be a deceptive act or practice in connection with a consumer transaction for a supplier of motor vehicles who has legally operated a motor vehicle as a demonstrator, without titling it to the supplier's name, to sell the motor vehicle unless a clear and conspicuous disclosure is made in writing **on the final document evidencing the sale** to the consumer or prospective ~~consumer~~ BUYER that the motor vehicle has been operated as a demonstrator.
- (E) The disclosure that an item of goods has been used or contains used parts as required by division (A) may be made by use of words such as, but not limited to, "used," "second hand," "repaired," "remanufactured," "reconditioned," "rebuilt," or "relined," whichever is applicable to the item of goods involved.

Effective:

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Promulgated under: R.C. Chapter 119

Statutory authority: R.C. § 1345.05

Rule amplifies: R.C. § 1345.02

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