

50-648. Odometer fraud; purchase of motor vehicle voided; consumer remedies. (a) Any consumer who has purchased a motor vehicle from a supplier and who proves: (1) That any of the acts declared to be a violation of K.S.A. 2014 Supp. 21-5835, and amendments thereto, have taken place; and (2) that the mileage or use of the motor vehicle is materially different from that shown on the vehicle's odometer shall be entitled to a declaration from the court that the purchase of the motor vehicle is voidable at the consumer's request.

(b) If the purchase of a motor vehicle is voided under subsection (a), the consumer shall recover the greater of the following but recovery shall not exceed the actual purchase price of the vehicle:

- (1) Purchase price before trade-in allowance less set off;
- (2) Purchase price before trade-in allowance plus verified repairs less set off; or
- (3) The civil penalties in K.S.A. 50-651, and amendments thereto.

(c) The consumer may recover reasonable attorney fees, if the consumer prevails in an action against the supplier under this section.

History: L. 1988, ch. 211, § 3; L. 2011, ch. 30, § 200; July 1.