

NMVTIS Final Penalty Decision Considerations¹

Size of the Business: Accounts for up to 25% of maximum penalty²

Generally determined by ascertaining the business gross profit.

Level 1 (under \$1,000,000 gross profits): 0 - 5% of maximum penalty

Level 2 (\$1,000,000 to \$5,000,000 gross profits): 0 - 10% of maximum penalty

Level 3 (over \$5,000,000 to \$10,000,000 gross profits): 0 - 20% of maximum penalty

Level 4 (over \$10,000,000 gross profits): 0 - 25% of maximum penalty

Gravity of Violation: Accounts for up to 50% of maximum penalty

Generally determined by the total number of unreported automobiles.

Level 1 (under 100 unreported automobiles): 0 - 5% of maximum penalty

Level 2 (100 to 500 unreported automobiles): 0 - 10% of maximum penalty

Level 3 (over 500 to 2500 unreported automobiles): 0 - 25% of maximum penalty

Level 4 (over 2500 unreported automobiles): 0 - 50% of maximum penalty

Demonstrated Willingness to Comply: Accounts for up to 25% of maximum penalty

Generally determined by the number of automobiles identified in the Notice of Civil Penalty which have subsequently been reported to NMVTIS, as well as the ongoing reporting compliance of the business.

The following factors may, at the discretion of the Director of the Bureau of Justice Assistance, aggravate or mitigate any penalty:

- The length of time that automobiles have gone unreported
- Whether non-reporting was due to negligent or intentional action/inaction
- Whether the business was forthcoming in responding to DOJ requests for information
- Whether automobiles were used in the commission of a crime or resulted in a purchaser's being defrauded or injured
- Whether the business has been the subject of other proposed or final NMVTIS enforcement action by DOJ
- Other appropriate factors worthy of consideration to further the interests of justice

¹For use in deciding the penalty subsequent to issuance of a Notice of Civil Penalty letter.

²The "maximum penalty" is \$1,000 per automobile that is not reported to NMVTIS. 49 U.S.C. § 30505(a).