

1 **SALVAGE VEHICLE AMENDMENTS**

2 2008 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Carlene M. Walker**

5 House Sponsor: Eric K. Hutchings

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies the Motor Vehicle Act by amending provisions relating to salvage
10 vehicles.

11 **Highlighted Provisions:**

12 This bill:

13 ▶ requires the Motor Vehicle Division to issue an insurance company a salvage
14 certificate no sooner than 30 days from the date of settlement if the insurance
15 company:

16 • declares a vehicle a salvage vehicle;
17 • issues settlement payment to the registered owner of the vehicle;
18 • has contacted the owner of the vehicle at least two times requesting certificate of
19 title or other evidence of ownership and the owner of the vehicle has not
20 responded; and

21 • provides certain evidence to the Motor Vehicle Division;
22 ▶ requires the Motor Vehicle Division to issue an insurance company a salvage
23 certificate no sooner than 30 days from receipt of an improperly endorsed certificate
24 of title if the insurance company:

25 • declares a vehicle a salvage vehicle;
26 • has contacted the owner of the vehicle at least two times requesting correction
27 of the improperly endorsed certificate of title and the owner of the vehicle has
28 not responded; and

29 • provides certain evidence to the Motor Vehicle Division;

30 ▶ grants the Motor Vehicle Division rulemaking authority to establish the requirements
31 for an insurance company to receive a salvage certificate in certain circumstances;
32 and

33 ▶ makes technical changes.

34 **Monies Appropriated in this Bill:**

35 None

36 **Other Special Clauses:**

37 None

38 **Utah Code Sections Affected:**

39 AMENDS:

40 **41-1a-1005**, as last amended by Laws of Utah 1992, Chapter 234 and renumbered and
41 amended by Laws of Utah 1992, Chapter 1



42
43 *Be it enacted by the Legislature of the state of Utah:*

44 Section 1. Section **41-1a-1005** is amended to read:

45 **41-1a-1005. Salvage vehicle -- Declaration by insurance company -- Surrender of**
46 **title -- Salvage certificate of title.**

47 (1) (a) (i) [~~H~~] Except as provided in Subsection (1)(a)(iii) or (iv), if an insurance
48 company declares a vehicle a salvage vehicle and takes possession of the vehicle for disposal, or
49 an insurance company pays off the owner of a vehicle that is stolen and not recovered, the
50 insurance company shall within ten days from the settlement of the loss surrender to the division
51 the outstanding certificate of title, properly endorsed, or other evidence of ownership acceptable
52 to the division.

53 (ii) The division shall then issue a salvage certificate in the insurance company's name.

54 (iii) The division shall issue a salvage certificate in an insurance company's name no
55 sooner than 30 days from the settlement of the loss if the insurance company:

56 (A) declares a vehicle a salvage vehicle;

57 (B) issues settlement payment to the registered owner of the vehicle;

58 (C) has contacted the owner of the vehicle at least two times requesting certificate of
59 title or other evidence of ownership acceptable to the division and the owner has not responded
60 to the requests; and

61 (D) has presented the division evidence of the settlement and evidence that the
62 insurance company has complied with the requirements of this Subsection (1)(a)(iii) on a form
63 prescribed by the division.

64 (iv) The division shall issue a salvage certificate in an insurance company's name no
65 sooner than 30 days from the receipt of an improperly endorsed certificate of title if the
66 insurance company:

67 (A) declares a vehicle a salvage vehicle;

68 (B) has contacted the owner of the vehicle at least two times requesting correction of
69 the improperly endorsed certificate of title and the owner of the vehicle has not responded to
70 the requests; and

71 (C) has presented the division evidence of the settlement, the improperly endorsed
72 certificate of title, and evidence that the insurance company has complied with the requirements
73 of this Subsection (1)(a)(iv) on a form prescribed by the division.

74 (v) In accordance with Title 63, Chapter 46a, Utah Administrative Rulemaking Act, the
75 division shall make rules establishing the requirements for an insurance company to prove that it
76 has complied with the requirements of Subsection (1)(a)(iii) or (iv) to receive a salvage
77 certificate.

78 (b) (i) If the owner of a salvage vehicle retains possession of the vehicle, the insurance
79 company shall within ten days from the settlement of the loss notify the division of the retention
80 on a form prescribed by the division.

81 (ii) The insurance company shall notify the owner of the vehicle of his responsibility to
82 comply with this section.

83 (iii) The owner shall within ten days from the settlement of the loss surrender to the
84 division the properly endorsed certificate of title or other evidence of ownership acceptable to
85 the division.

86 (iv) The division shall then issue a salvage certificate in the owner's name.

87 (c) (i) When a salvage vehicle is not the subject of an insurance settlement, a self-insurer
88 or an owner who is uninsured shall within ten days of the theft or major damage surrender to
89 the division the properly endorsed certificate of title or other evidence of ownership acceptable
90 to the division.

91 (ii) The division shall then issue a salvage certificate in the owner's name.

92 (d) (i) If a dealer licensed under Title 41, Chapter 3, Part 2, Licensing, takes possession
93 of any salvage vehicle for which there is not already issued a branded title or salvage certificate
94 from the division or another jurisdiction, the dealer shall within ten days surrender to the
95 division the certificate of title or other evidence of ownership acceptable to the division.

96 (ii) The division shall then issue a salvage certificate in the applicant's name.

97 (2) Any person, insurance company, or dealer licensed under Title 41, Chapter 3, Part
98 2, Licensing, who fails to obtain a salvage certificate as required in this section or who sells a
99 salvage vehicle without first obtaining a salvage certificate is guilty of a class B misdemeanor.

100 (3) This section does not apply to a vehicle:

101 (a) that has an undamaged, wholesale value of \$2,000 or less; or

102 (b) if a salvage certificate has been issued by another state or jurisdiction for the salvage
103 vehicle.

104 (4) Upon sale or disposal of a salvage vehicle, the seller shall deliver to the purchaser
105 the properly endorsed salvage certificate within 48 hours as required in Section 41-1a-1310, or
106 if the seller is a dealer licensed under Title 41, Chapter 3, Part 2, Licensing, the dealer shall
107 comply with Section 41-3-301.

108 (5) Except as provided in Subsection (1), this chapter does not apply to a motor vehicle
109 that has been stolen or taken without the consent of the owner until the motor vehicle has been
110 recovered, and then it applies only if the motor vehicle is a salvage vehicle.