

Senator Stephen H. Urquhart proposes the following substitute bill:

SALVAGE AND NONREPAIRABLE VEHICLE AMENDMENTS

2013 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Stephen H. Urquhart

House Sponsor: _____

LONG TITLE

General Description:

This bill modifies provisions relating to salvage and nonrepairable vehicles.

Highlighted Provisions:

This bill:

- ▶ provides that a vehicle that has been issued a nonrepairable certificate may not be registered;

- ▶ requires an operator of a motor vehicle auction, for a vehicle with a salvage certificate purchased at a motor vehicle auction, to electronically apply for a salvage certificate of title and provide evidence of compliance with certain requirements;

- ▶ provides that a vehicle sold at or through a motor vehicle auction to an out-of-state purchaser with a nonrepairable or salvage certificate may not be certificated in Utah until the vehicle has been certificated out-of-state;

- ▶ prohibits a person who has been convicted of any law relating to motor vehicle commerce or motor vehicle fraud from purchasing a vehicle with a salvage or nonrepairable certificate;

- ▶ provides that ~~§~~ → [a person or purchaser] certain in-state purchasers ← ~~§~~ who ~~§~~ → [is] are ← ~~§~~ not licensed as a salvage vehicle buyer:

- may not bid on or purchase more than five salvage vehicles with a nonrepairable or salvage certificate in any 12-month period;



150 (i) a licensed motor vehicle dealer whose primary business is auctioning salvage motor
151 vehicles to licensed salvage vehicle buyers; or

152 (ii) an insurance company, if the sale of the vehicle is the result of a total loss
153 settlement.

154 (3) (a) An advertisement for the sale of a vehicle for which a salvage certificate or
155 branded title has been issued shall disclose that a salvage certificate or branded title has been
156 issued for the vehicle.

157 (b) The advertisement disclosure under Subsection (3)(a) shall:

158 (i) be displayed at least as prominently as the description of the advertised vehicle is
159 displayed; and

160 (ii) use the words "salvage certificate" or "branded title" in the advertisement.

161 Section 3. Section **41-1a-1008** is amended to read:

162 **41-1a-1008. Criminal penalty for violation.**

163 [It] (1) Except as provided in Subsection (2) or unless otherwise provided, it is a class
164 A misdemeanor to knowingly violate Sections 41-1a-1001 through 41-1a-1007[~~, unless another~~
165 penalty is specifically provided].

166 (2) ~~§~~ → [An] Any ← ~~§~~ owner ~~§~~ → , ← ~~§~~ who is not a manufacturer, dealer, motor vehicle
166a auction, or consignor to
167 a motor vehicle auction not licensed under Section 41-3-201 ~~§~~ → [and] , ← ~~§~~ who knowingly or
168 intentionally conceals, removes, destroys, or alters a disclosure statement or of a certificate of
169 title branded under Section 41-3-201 or Sections 41-1a-1004 through 41-1a-1005.3 is ~~§~~ → guilty
169a of ← ~~§~~ a:

170 (a) class A misdemeanor; or

171 (b) third degree felony if the person has previously been convicted two or more times
172 of knowingly or intentionally concealing, removing, destroying, or altering a disclosure
173 statement or a certificate of title branded under Section 41-3-201 or Sections 41-1a-1004
174 through 41-1a-1005.3.

175 (3) Criminal penalties under this chapter are not exclusive, but are in addition to those
176 under Section 76-10-1801.

177 (4) Each vehicle sold, offered for sale, or displayed for sale in violation of Section
178 41-1a-1005.3 shall be a separate offense.

179 Section 4. Section **41-1a-1008.5** is enacted to read:

180 **41-1a-1008.5. Private cause of action.**