

Senator Curtis S. Bramble proposes the following substitute bill:

VEHICLE REPAIR AND NOTIFICATION AMENDMENTS

2020 GENERAL SESSION

STATE OF UTAH

Chief Sponsor: Curtis S. Bramble

House Sponsor: James A. Dunnigan

LONG TITLE

General Description:

This bill amends provisions related to notification requirements regarding salvage vehicles and vehicle repair requirements.

Highlighted Provisions:

This bill:

- ▶ amends language required in a contract for sale or lease of a salvage or total loss vehicle regarding possible impacts of a salvage title;
- ▶ amends provisions related to title disclosures of vehicles declared a total loss due to theft;
- ▶ requires certain repair facilities that repair vehicles equipped with advanced driver assistance systems to:
 - inform the customer regarding the recalibration requirements for the advanced driver assistance system and whether the proper recalibration will be performed;
 - if the recalibration of the advanced driver assistance system will be performed, meet or exceed the original manufacturer's specifications; and
 - if the recalibration was not completed successfully, inform the customer that the vehicle should be taken to the manufacturer's certified repair shop or other repair shop capable of providing the proper recalibration and repair;



- 26 ▶ amends provisions related to disclosure of insurance coverage related to automotive
- 27 glass repair and recalibration; and
- 28 ▶ makes technical changes.

29 **Money Appropriated in this Bill:**

30 None

31 **Other Special Clauses:**

32 None

33 **Utah Code Sections Affected:**

34 AMENDS:

35 **41-1a-1004**, as last amended by Laws of Utah 2013, Chapter 463

36 **41-1a-1005.3**, as enacted by Laws of Utah 2012, Chapter 390

37 ENACTS:

38 **41-6a-1645**, Utah Code Annotated 1953



40 *Be it enacted by the Legislature of the state of Utah:*

41 Section 1. Section **41-1a-1004** is amended to read:

42 **41-1a-1004. Certificate of title -- Salvage vehicles -- Buyer notification of salvage**
43 **or total loss vehicle.**

44 (1) If the division is able to ascertain the fact, at the time application is made for initial
45 registration or transfer of ownership of a salvage vehicle, the title shall be branded:

- 46 (a) rebuilt and restored to operation;
- 47 (b) in a flood and restored to operation; or
- 48 (c) not restored to operation.

49 (2) (a) (i) Except as provided in Subsection (2)(b), before the sale of a vehicle for
50 which a salvage certificate or branded title has been issued or declared a total loss by an
51 insurance company, the seller shall provide the prospective purchaser with written notification
52 that a salvage certificate or a branded title has been issued for the vehicle.

53 (ii) If the vehicle is a salvage vehicle or if the vehicle has been declared a total loss by
54 an insurance company, the notification shall be as required in Section **41-1a-1005.3**.

55 (b) The requirement to provide written notification under Subsection (2)(a) does not
56 apply if:

57 (i) the prospective purchaser is:
58 ~~[(†)]~~ (A) a licensed motor vehicle dealer whose primary business is auctioning salvage
59 motor vehicles to licensed salvage vehicle buyers; or

60 ~~[(†)]~~ (B) an insurance company, if the sale of the vehicle is the result of a total loss
61 settlement~~[-];~~ or

62 (ii) the vehicle has been stolen, recovered, and declared a total loss by an insurance
63 company but does not meet the definition of a salvage vehicle.

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

67 (b) (i) Except as provided in Subsection (3)(b)(ii), an advertisement for a vehicle
68 declared a total loss by an insurance company shall disclose that the vehicle has been declared
69 a total loss by an insurance company.

70 (ii) A vehicle that has been stolen, recovered, and declared a total loss by an insurance
71 company but does not meet the definition of a salvage vehicle is exempted from the advertising
72 requirement described in Subsection (3)(b)(i).

73 ~~[(b)]~~ (c) The advertisement disclosure under Subsection (3)(a) or (b)(i) shall:

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

76 (ii) (A) use the words "salvage certificate" or "branded title" in the advertisement~~[-];~~ or

77 (B) use the words "insurer declared total loss" if the vehicle has been declared a total
78 loss by an insurance company.

79 Section 2. Section **41-1a-1005.3** is amended to read:

80 **41-1a-1005.3. Resale of salvage and total loss vehicles.**

81 (1) A motor vehicle may not be offered, auctioned, sold, leased, transferred, or
82 exchanged by an owner, that is not a manufacturer, dealer, motor vehicle auction, or consignor
83 to a motor vehicle auction with the knowledge that it is a salvage vehicle or a total loss vehicle
84 without prior written disclosure being given to any prospective purchaser.

85 (2) For a disclosure required by Subsection (1), the following disclosure language shall
86 be contained in each contract for sale or lease of a salvage vehicle to a purchaser or shall be
87 contained in a form affixed to a contract, lease, bill of sale, or any other document that transfers

119 (2) If the vehicle is equipped with an advanced driver assistance system, an automotive
120 glass company or repair facility approving or conducting glass repair, replacement, or
121 recalibration shall:

122 (a) before approving or performing a vehicle glass repair or replacement, inform the
123 consumer if a recalibration of that system is required and if such recalibration will be
124 performed; and

125 (b) if performing such recalibration, meet or exceed the manufacturer's specifications.

126 (3) (a) The automotive glass company or repair facility shall provide the consumer:

127 (i) an itemized description of the work to be done on the vehicle; and

128 (ii) if an insurer is paying all or part of the repair, the total amount the insurer has
129 agreed to pay for the work described in Subsection(3)(a)(i).

130 (b) An insurance company may provide that payments for work described in
131 Subsection (3)(a) shall be limited to a fair and competitive price.

132 (c) An automotive glass company or repair facility may not represent to a customer that
133 the cost of a repair, replacement, or recalibration will be paid for entirely by the customer's
134 insurer and at no cost to the customer unless the cost of the repair, replacement, or recalibration
135 is fully covered by the insurer.

136 (d) If a recalibration was not performed or not completed successfully, the automotive
137 glass company or repair facility shall inform the consumer electronically or in writing that the
138 recalibration was not successful or was not performed and that the vehicle should be taken to a
139 vehicle manufacturer's certified dealership, a qualified automobile glass company, or repair
140 facility capable of performing the recalibration of an advanced driver assistance system that
141 meets or exceeds the manufacturer's specifications.

142 (4) An automotive glass company or repair facility conducting a scan or recalibration
143 for vehicle glass repair or replacement services on a vehicle equipped with an advanced driver
144 assistance system:

145 (a) is not limited to vehicle glass, tooling, or equipment dictated or recommended by
146 the manufacturer's procedures or specifications; and

147 (b) shall recalibrate the advanced driver assistance system to meet or exceed the
148 manufacturer's procedures or specifications.

149 (5) Governance of the use of glass, parts, tools, or equipment in the course of an

150 insurer-funded repair is solely dictated by the policy holder's insurance policy.

151 (6) An automotive glass company or repair facility may only bill or charge for vehicle
152 glass repair, replacement, or recalibration services that are performed and necessary.

153 (7) A violation of this section is a civil penalty of \$500.