

Representative James A. Dunnigan 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 knowingly issued or knowingly declared a
51 total loss by an insurance company, the seller shall provide the prospective purchaser with
52 written notification 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, motor vehicle auction, or seller 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 (iii) Subsections (3)(a), (3)(b)(i), and (3)(b)(ii) do not apply to a motor vehicle auction
74 or a consignor to a motor vehicle auction if no disclosure is required under Section
75 [41-1a-1005.3](#)

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

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

79 ~~[(ii) use the words "salvage certificate" or "branded title" in the advertisement.]~~

80 (ii) if a salvage certificate or branded title has been issued or the vehicle has been
81 declared a total loss by an insurance company:

82 (A) use the words "salvage certificate" or "branded title" in the advertisement; or

83 (B) use the words "insurer declared total loss."

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

85 **41-1a-1005.3. Resale of salvage and total loss vehicles.**

86 (1) A motor vehicle may not be offered, auctioned, sold, leased, transferred, or
87 exchanged by an owner, that is not a manufacturer, dealer, motor vehicle auction, or consignor

88 to a motor vehicle auction with the knowledge that it is a salvage vehicle or a total loss vehicle
89 without prior written disclosure being given to any prospective purchaser.

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

94 "THIS DISCLOSURE STATEMENT MUST BE GIVEN BY THE SELLER TO THE
95 BUYER EVERY TIME THIS VEHICLE IS KNOWINGLY RESOLD WITH A SALVAGE
96 CERTIFICATE OR TOTAL LOSS HISTORY

97 DISCLOSURE STATEMENT

98 Vehicle Identification Number (VIN)

99 Year: Make: Model:

100 SALVAGE OR TOTAL LOSS VEHICLE--NOT FOR RESALE WITHOUT
101 DISCLOSURE

102 WARNING: THIS VEHICLE HAS A SALVAGE OR TOTAL LOSS HISTORY
103 WHICH MAY MATERIALLY AFFECT THE VALUE, SAFETY AND/OR CONDITION OF
104 THE VEHICLE. BECAUSE OF ITS CONDITION THE MANUFACTURER'S WARRANTY
105 OR SERVICE CONTRACT ON THIS VEHICLE MAY BE AFFECTED. THIS [~~SALVAGE~~]
106 VEHICLE MAY NOT BE SAFE FOR OPERATION UNLESS PROPERLY REPAIRED.
107 SOME STATES MAY REQUIRE AN INSPECTION BEFORE THIS VEHICLE [~~MAY BE~~]
108 IS REGISTERED. THE STATE OF UTAH MAY REQUIRE THIS VEHICLE TO BE
109 PERMANENTLY BRANDED AS A REBUILT SALVAGE VEHICLE. OTHER STATES
110 MAY ALSO PERMANENTLY BRAND THE CERTIFICATE OF TITLE. YOU MAY ASK
111 THE SELLER OF THE VEHICLE TO SEE A COPY OF THE NATIONAL MOTOR
112 VEHICLE TITLE INFORMATION SYSTEM (NMVTIS) VEHICLE HISTORY REPORT.
113 YOU MAY ALSO INDEPENDENTLY OBTAIN THE REPORT BY CHECKING NMVTIS
114 ONLINE AT WWW.VEHICLEHISTORY.GOV.

115 _____
116 Signature of Purchaser Date"

117 Section 3. Section **41-6a-1645** is enacted to read:

118 **41-6a-1645. Advanced driver assistance systems -- Repair, calibration, and**

119 **disclosure.**

120 (1) As used in this section, "advanced driver assistance system" means an electronic
121 safety system designed to support the driver and vehicle while operating on roads and highways
122 that is intended to increase vehicle safety and reduce losses associated with automobile crashes.

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

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

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

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

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

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

134 (b) An insurance company that makes payment for work described in Subsection (3)(a)
135 may not be required to pay more than a fair and competitive price for the local market area.

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

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

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

149 (a) is not limited to vehicle glass, tooling, or equipment dictated or recommended by

150 the manufacturer's procedures or specifications; and

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

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

155 (6) A person with actual knowledge that the advanced driver assistance system of a
156 motor vehicle is inoperable or has not been repaired or recalibrated after a vehicle glass repair
157 or replacement as described in this section may not knowingly sell, offer for sale, or display for
158 sale, the motor vehicle without providing written notice to the purchaser that:

159 (a) the advanced driver assistance system has not been repaired or recalibrated to the
160 manufacturer's specifications; or

161 (b) the advanced driver assistance system is inoperable.

162 (7) A violation described in Subsections (1) through (6) is a civil penalty of \$500.

163 (8) (a) In addition to any other penalties, a purchaser may bring a civil action to recover
164 damages resulting from a seller's failure to provide notice under Subsection (6).

165 (b) The amount of damages that may be recovered in a civil action described in
166 Subsection (8)(a) is the greater of:

167 (i) the amount of the actual damages; or

168 (ii) \$1,500.