

ORIGINAL HOUSE
BILL NO. 0135

ENROLLED ACT NO. 28, HOUSE OF REPRESENTATIVES

FIFTY-SEVENTH LEGISLATURE OF THE STATE OF WYOMING
2003 GENERAL SESSION

AN ACT relating to motor vehicles; amending definitions pertaining to salvage vehicles; providing for salvage vehicle title transfers; providing for leased vehicles and flood vehicles as salvage vehicles; providing for salvage motorcycles; amending violations and penalties; making conforming amendments; and providing for an effective date.

Be It Enacted by the Legislature of the State of Wyoming:

Section 1. W.S. 31-2-103(a)(vi), 31-2-106(a)(iv) and (v), 31-2-107(a), (b) and by creating new subsections (f) through (m), 31-2-108(d) and 31-2-110(a) are amended to read:

31-2-103. Contents of application; signature; vehicle identification number; issuance of certificate.

(a) Applications for certificates of title shall be under oath and contain or be accompanied by:

(vi) In the case of a vehicle registered or titled in a state other than Wyoming a current statement made by a Wyoming law enforcement officer or licensed Wyoming dealer for vehicles in his inventory or possession that the vehicle identification number on the vehicle has been inspected and that the inspection occurred in Wyoming and certifying the correct vehicle identification number displayed on the vehicle. In the case of a vehicle not in Wyoming, the vehicle identification number may be inspected and certified on a form prescribed by the department if the inspection is made by an authorized law enforcement officer of a city, county or state law enforcement agency or a commissioned officer at a federal military installation and the form is duly notarized and delivered to the county clerk in the county where the application for certificate

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of title is made along with payment for the inspection fee required under W.S. 31-3-102(b)(iv). If the certificate of title or registration of a vehicle under this paragraph contains a brand or any word or symbol indicating the vehicle has been damaged by flood, rebuilt, reconstructed or otherwise modified, the brand, word or symbol shall be carried forward on all subsequent certificates of title issued in this state. A vehicle designated by any other state as nonrepairable or any other word or symbol of like kind shall be issued a certificate of title and may be reregistered if the owner complies with the provisions of W.S. 31-2-107 and 31-2-108;

31-2-106. Definitions.

(a) As used in W.S. 31-2-106 through 31-2-110:

(iv) "Rebuilt salvage vehicle" means any motor vehicle which was previously issued a certificate of title branded "salvage" and has a decal stating "rebuilt salvage vehicle" affixed ~~to the driver's door jamb~~ as required by W.S. 31-2-108(d);

(v) "Salvage vehicle" means any motor vehicle which has been wrecked, destroyed or damaged to the extent that it has been declared a total loss by the insurance company or, in the event an insurance company is not involved in the settlement of the claim, the total estimated or actual cost of parts and labor to rebuild or reconstruct the motor vehicle to its pre-accident condition exceeds seventy-five percent (75%) of the actual retail cash value of the motor vehicle, as set forth in the most current edition of any nationally recognized automotive appraisal guide or other source approved by the Wyoming insurance department. The value of repair parts for purposes of this paragraph shall be determined by using the

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current cost of the repair parts to be used in the repair. The labor cost of repairs for purposes of this paragraph shall be computed by using the hourly labor rate and time allocations that are reasonable and customary in the automobile repair industry in the community where the repairs are to be performed.

31-2-107. Return of certificate of title and registration for damaged vehicle; replacement title and registration.

(a) When a motor vehicle is declared a total loss by the insurance company or, in the event an insurance company is not involved in the settlement of the claim, sustains damage in an amount exceeding seventy-five percent (75%) of its actual retail cash value, as set forth in any current edition of a nationally recognized automotive appraisal guide or other source approved by the Wyoming insurance department, the owner or insurance company, if it obtains ownership of the vehicle through transfer of title as a result of a settlement of an insurance claim, shall forward the properly endorsed certificate of title to the office of the county clerk that issued the certificate of title together with an application for a certificate of title branded salvage and payment of the fee required under W.S. 31-2-102(a)(vii) to obtain a properly branded certificate of title. When any vehicle accident report is required under chapter 5, article 11 of this title, the investigating officer shall provide written notice to the owner or operator of the vehicle of the requirements under this section.

(b) Upon receipt of a certificate of title under subsection (a) of this section, the county clerk shall issue a certificate of title branded "salvage" to the legal owner. ~~as provided by W.S. 31-2-108.~~

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(f) If the owner of a motor vehicle retains the vehicle upon a settlement with an insurance company, and the vehicle has incurred damage requiring the vehicle to be issued a certificate of title branded "nonrepairable" or "salvage", the owner shall apply for the certificate of title in his own name with the applicable brand displayed on the certificate of title before the vehicle is commercially repaired or ownership of the vehicle is transferred.

(g) If an insurance company is not involved in a damage settlement involving a salvage vehicle, the motor vehicle owner shall apply for a certificate of title branded "salvage", before the vehicle is commercially repaired or ownership of the vehicle is transferred.

(h) If a leased motor vehicle incurs damage requiring the vehicle to be issued a certificate of title branded "salvage", the lessor shall apply for a properly branded certificate of title after being notified by the lessee that the vehicle has been damaged. The lessee of the vehicle shall inform the lessor that the leased vehicle has been damaged within thirty (30) days after the occurrence of the damage.

(j) Any person acquiring ownership of a damaged motor vehicle that meets the definition of a salvage vehicle for which a certificate of title branded "salvage" has not been issued shall apply for a certificate of title before the vehicle is further transferred.

(k) A seller of a motor vehicle that becomes a flood vehicle shall, at or prior to the time of transfer of ownership, give the buyer a written notice that the vehicle is a flood vehicle. At the time of the next application for

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certificate of title for the vehicle, disclosure of the flood status shall be provided to the county clerk with the properly assigned title and the word "flood" shall be conspicuously branded across the front of the new title.

(m) In the case of a leased motor vehicle, the lessee, within thirty (30) days of the occurrence of the event that caused the vehicle to become a flood vehicle, shall give the lessor written disclosure that the vehicle is a flood vehicle.

31-2-108. Titles for damaged vehicles; requirements.

(d) After the owner of a motor vehicle for which a certificate of title branded "salvage" has been issued, provides the information required under subsection (c) of this section to the department, the department shall provide to the owner a secure decal which shall comply with the permanency requirements of the department, stating "rebuilt salvage vehicle". The owner shall apply the decal to the driver's door jamb of the vehicle prior to having the vehicle inspected by a Wyoming law enforcement officer for the vehicle identification number and to ensure the decal has been properly affixed. On a motorcycle, the owner shall apply the decal opposite the vehicle identification number on the fork crown in a manner that does not obscure the vehicle identification number, prior to having the motorcycle inspected by a Wyoming law enforcement officer for the vehicle identification number and to ensure the decal has been properly affixed. The owner shall pay the fee specified in W.S. 31-3-102(b) for the inspection.

31-2-110. Violations; penalties.

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(a) Any dealer or a person holding legal certificate of title to a motor vehicle who fails to obtain a proper certificate of title for a salvage vehicle as required under W.S. ~~31-2-108~~ 31-2-107 within thirty (30) days of the damage to the vehicle receipt of the transferor's correctly endorsed title is guilty of a misdemeanor punishable by a fine of not more than seven hundred fifty dollars (\$750.00), imprisonment for not more than six (6) months, or both.

Section 2. W.S. 31-2-108(f) through (n) is repealed.

Section 3. This act is effective July 1, 2003.

(END)

Speaker of the House

President of the Senate

Governor

TIME APPROVED: _____

DATE APPROVED: _____

I hereby certify that this act originated in the House.

Chief Clerk