

## HOUSE BILL NO. HB0135

Salvage motor vehicle titles.

Sponsored by: Representative(s) Johnson, W., Cooper and  
Warren

A BILL

for

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

7

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

9

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

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15 **31-2-103. Contents of application; signature; vehicle**  
16 **identification number; issuance of certificate.**

1

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

4

5 (vi) In the case of a vehicle registered or  
6 titled in a state other than Wyoming a current statement  
7 made by a Wyoming law enforcement officer or licensed  
8 Wyoming dealer for vehicles in his inventory or possession  
9 that the vehicle identification number on the vehicle has  
10 been inspected and that the inspection occurred in Wyoming  
11 and certifying the correct vehicle identification number  
12 displayed on the vehicle. In the case of a vehicle not in  
13 Wyoming, the vehicle identification number may be inspected  
14 and certified on a form prescribed by the department if the  
15 inspection is made by an authorized law enforcement officer  
16 of a city, county or state law enforcement agency or a  
17 commissioned officer at a federal military installation and  
18 the form is duly notarized and delivered to the county  
19 clerk in the county where the application for certificate  
20 of title is made along with payment for the inspection fee  
21 required under W.S. 31-3-102(b)(iv). If the certificate of  
22 title or registration of a vehicle under this paragraph  
23 contains a brand or any word or symbol indicating the  
24 vehicle has been damaged by flood, rebuilt, reconstructed

1 or otherwise modified, the brand, word or symbol shall be  
2 carried forward on all subsequent certificates of title  
3 issued in this state. A vehicle designated by any other  
4 state as nonrepairable or any other word or symbol of like  
5 kind shall be issued a certificate of title and may be  
6 reregistered if the owner complies with the provisions of  
7 W.S. 31-2-107 and 31-2-108;

8

9 **31-2-106. Definitions.**

10

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

12

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

18

19 (v) "Salvage vehicle" means any motor vehicle  
20 which has been wrecked, destroyed or damaged to the extent  
21 that it has been declared a total loss by the insurance  
22 company or, in the event an insurance company is not  
23 involved in the settlement of the claim, the total  
24 estimated or actual cost of parts and labor to rebuild or

1 reconstruct the motor vehicle to its pre-accident condition  
2 exceeds seventy-five percent (75%) of the actual retail  
3 cash value of the motor vehicle, as set forth in the most  
4 current edition of any nationally recognized automotive  
5 appraisal guide or other source approved by the Wyoming  
6 insurance department. The value of repair parts for  
7 purposes of this paragraph shall be determined by using the  
8 current cost of the repair parts to be used in the repair.  
9 The labor cost of repairs for purposes of this paragraph  
10 shall be computed by using the hourly labor rate and time  
11 allocations that are reasonable and customary in the  
12 automobile repair industry in the community where the  
13 repairs are to be performed.

14

15 **31-2-107. Return of certificate of title and**  
16 **registration for damaged vehicle; replacement title and**  
17 **registration.**

18

19 (a) When a motor vehicle is declared a total loss by  
20 the insurance company or, in the event an insurance company  
21 is not involved in the settlement of the claim, sustains  
22 damage in an amount exceeding seventy-five percent (75%) of  
23 its actual retail cash value, as set forth in any current  
24 edition of a nationally recognized automotive appraisal

1 guide or other source approved by the Wyoming insurance  
2 department, the owner or insurance company, if it obtains  
3 ownership of the vehicle through transfer of title as a  
4 result of a settlement of an insurance claim, shall forward  
5 the properly endorsed certificate of title to the office of  
6 the county clerk that issued the certificate of title  
7 together with an application for a certificate of title  
8 branded salvage and payment of the fee required under W.S.  
9 31-2-102(a)(vii) to obtain a properly branded certificate  
10 of title. When any vehicle accident report is required  
11 under chapter 5, article 11 of this title, the  
12 investigating officer shall provide written notice to the  
13 owner or operator of the vehicle of the requirements under  
14 this section.

15

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

20

21 (f) If the owner of a motor vehicle retains the  
22 vehicle upon a settlement with an insurance company, and  
23 the vehicle has incurred damage requiring the vehicle to be  
24 issued a certificate of title branded "nonrepairable" or

1 "salvage", the owner shall apply for the certificate of  
2 title in his own name with the applicable brand displayed  
3 on the certificate of title before the vehicle is  
4 commercially repaired or ownership of the vehicle is  
5 transferred.

6  
7 (g) If an insurance company is not involved in a  
8 damage settlement involving a salvage vehicle, the motor  
9 vehicle owner shall apply for a certificate of title  
10 branded "salvage", before the vehicle is commercially  
11 repaired or ownership of the vehicle is transferred.

12  
13 (h) If a leased motor vehicle incurs damage requiring  
14 the vehicle to be issued a certificate of title branded  
15 "salvage", the lessor shall apply for a properly branded  
16 certificate of title after being notified by the lessee  
17 that the vehicle has been damaged. The lessee of the  
18 vehicle shall inform the lessor that the leased vehicle has  
19 been damaged within thirty (30) days after the occurrence  
20 of the damage.

21  
22 (j) Any person acquiring ownership of a damaged motor  
23 vehicle that meets the definition of a salvage vehicle for  
24 which a certificate of title branded "salvage" has not been

1 issued shall apply for a certificate of title before the  
2 vehicle is further transferred.

3  
4 (k) A seller of a motor vehicle that becomes a flood  
5 vehicle shall, at or prior to the time of transfer of  
6 ownership, give the buyer a written notice that the vehicle  
7 is a flood vehicle. At the time of the next application for  
8 certificate of title for the vehicle, disclosure of the  
9 flood status shall be provided to the county clerk with the  
10 properly assigned title and the word "flood" shall be  
11 conspicuously branded across the front of the new title.

12  
13 (m) In the case of a leased motor vehicle, the  
14 lessee, within thirty (30) days of the occurrence of the  
15 event that caused the vehicle to become a flood vehicle,  
16 shall give the lessor written disclosure that the vehicle  
17 is a flood vehicle.

18  
19 **31-2-108. Titles for damaged vehicles; requirements.**

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21 (d) After the owner of a motor vehicle for which a  
22 certificate of title branded "salvage" has been issued,  
23 provides the information required under subsection (c) of  
24 this section to the department, the department shall

1 provide to the owner a secure decal which shall comply with  
2 the permanency requirements of the department, stating  
3 "rebuilt salvage vehicle". The owner shall apply the decal  
4 to the driver's door jamb of the vehicle prior to having  
5 the vehicle inspected by a Wyoming law enforcement officer  
6 for the vehicle identification number and to ensure the  
7 decal has been properly affixed. On a motorcycle, the  
8 owner shall apply the decal opposite the vehicle  
9 identification number on the fork crown in a manner that  
10 does not obscure the vehicle identification number, prior  
11 to having the motorcycle inspected by a Wyoming law  
12 enforcement officer for the vehicle identification number  
13 and to ensure the decal has been properly affixed. The  
14 owner shall pay the fee specified in W.S. 31-3-102(b) for  
15 the inspection.

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17 **31-2-110. Violations; penalties.**

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19 (a) Any dealer or a person holding legal certificate  
20 of title to a motor vehicle who fails to obtain a proper  
21 certificate of title for a salvage vehicle as required  
22 under W.S. ~~31-2-108~~ 31-2-107 within thirty (30) days of the  
23 ~~damage to the vehicle~~ receipt of the transferor's correctly  
24 endorsed title is guilty of a misdemeanor punishable by a



1 fine of not more than seven hundred fifty dollars  
2 (\$750.00), imprisonment for not more than six (6) months,  
3 or both.

4

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

6

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

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9

(END)