

Amendment No.

CHAMBER ACTION

Senate

House

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1 Representative Maney offered the following:

2  
3 **Amendment (with directory and title amendments)**

4 Between lines 526 and 527, insert:

5 (3)

6 (b) The owner, including persons who are self-insured, of  
7 a motor vehicle or mobile home that is considered to be salvage  
8 shall, within 72 hours after the motor vehicle or mobile home  
9 becomes salvage, forward the title to the motor vehicle or  
10 mobile home to the department for processing. However, an  
11 insurance company that pays money as compensation for the total  
12 loss of a motor vehicle or mobile home shall obtain the  
13 certificate of title for the motor vehicle or mobile home, make

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14 the required notification to the National Motor Vehicle Title  
15 Information System, and, within 72 hours after receiving such  
16 certificate of title, forward such title by the United States  
17 Postal Service, by another commercial delivery service, or by  
18 electronic means, when such means are made available by the  
19 department, to the department for processing. The owner or  
20 insurance company, as applicable, may not dispose of a vehicle  
21 or mobile home that is a total loss before it obtains a salvage  
22 certificate of title or certificate of destruction from the  
23 department. ~~Effective January 1, 2020:~~

24 1. Thirty days after payment of a claim for compensation  
25 pursuant to this paragraph, the insurance company may receive a  
26 salvage certificate of title or certificate of destruction from  
27 the department if the insurance company is unable to obtain a  
28 properly assigned paper or electronic certificate of title from  
29 the owner or lienholder of the motor vehicle or mobile home, ~~if~~  
30 ~~the motor vehicle or mobile home does not carry an electronic~~  
31 ~~lien on the title~~ and the insurance company:

32 a. Has obtained the release of all liens on the motor  
33 vehicle or mobile home, or has paid the amount due to the  
34 lienholder and has obtained proof that the lienholder accepts  
35 payment as satisfying the amount due to the lienholder;

36 b. Has attested on a form provided by the department that  
37 payment of the total loss claim has been distributed; and

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38 c. Has attested on a form provided by the department and  
39 signed by the insurance company or its authorized agent stating  
40 the attempts that have been made to obtain the title from the  
41 owner or lienholder and further stating that all attempts are to  
42 no avail. The form must include a request that the salvage  
43 certificate of title or certificate of destruction be issued in  
44 the insurance company's name due to payment of a total loss  
45 claim to the owner or lienholder. The attempts to contact the  
46 owner or lienholder may be by written request delivered in  
47 person or by first-class mail with a certificate of mailing to  
48 the owner's last known address or lienholder's last known  
49 address, respectively.

50 2. If the owner or lienholder is notified of the request  
51 for title in person, the insurance company must provide an  
52 affidavit attesting to the in-person request for a certificate  
53 of title.

54 3. The request to the owner or lienholder for the  
55 certificate of title must include a complete description of the  
56 motor vehicle or mobile home and the statement that a total loss  
57 claim has been paid on the motor vehicle or mobile home.

58  
59 The department is not liable and may not be held liable to an  
60 owner, lienholder, or any other person as a result of the  
61 issuance of a salvage title or a certificate of destruction  
62 pursuant to this paragraph.

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**D I R E C T O R Y   A M E N D M E N T**

Remove line 491 and insert:

Section 10. Paragraphs (g) and (j) of subsection (1),  
paragraph (b) of subsection (3), and

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**T I T L E   A M E N D M E N T**

Remove line 35 and insert:

definitions; revising provisions relating to obtaining  
a salvage certificate of title or certificate of  
destruction; exempting the department from liability  
to certain persons as a result of the issuance of such  
certificate; providing requirements for an independent

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