

SB 374

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1998

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SENATE OF WEST VIRGINIA

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COMMITTEE SUBSTITUTE FOR
SENATE BILL NO. 374

(By Senator CITAFIN, ET AL)



PASSED MARCH 2, 1998

In Effect FROY Passage

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COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 374

(SENATORS CHAFIN, WOOTON, ROSS, PREZIOSO, DUGAN, JACKSON, BAILEY, DEEM, LOVE, DITTMAR, SNYDER, ANDERSON, KESSLER, MINEAR AND SPROUSE, *original sponsors*)

[Passed March 2, 1998; in effect from passage.]

AN ACT to amend and reenact section ten, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to salvage certificates for certain wrecked or damaged vehicles; fees; applicable taxes; authorizing the commissioner to issue titles for salvage or reconstructed vehicles; fees; and penalties.

Be it enacted by the Legislature of West Virginia:

That section ten, article four, chapter seventeen-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.

§17A-4-10. Salvage certificates for certain wrecked or damaged vehicles; fee; penalty.

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1 (a) In the event a motor vehicle is determined to be a
2 total loss or otherwise designated as "totaled" by any
3 insurance company or insurer, and upon payment of an
4 agreed price as a claim settlement to any insured or
5 claimant owner for the purchase of the vehicle, the
6 insurance company or the insurer shall receive the certifi-
7 cate of title and the vehicle. The insurance company or
8 insurer shall within ten days surrender the certificate of
9 title and a copy of the claim settlement to the division of
10 motor vehicles. The division shall issue a "salvage certifi-
11 cate", on a form prescribed by the commissioner, in the
12 name of the insurance company or the insurer. Such
13 certificate shall contain on the reverse thereof spaces for
14 one successive assignment before a new certificate at an
15 additional fee is required. Upon the sale of the vehicle the
16 insurance company or insurer shall endorse the assign-
17 ment of ownership on the salvage certificate and deliver
18 it to the purchaser. The vehicle shall not be titled or
19 registered for operation on the streets or highways of this
20 state unless there is compliance with subsection (c) of this
21 section. In the event a motor vehicle is determined to be
22 damaged in excess of seventy-five percent of its retail
23 price as described in the national automobile dealers
24 association official used car guide, a junk card will be
25 issued in lieu of a salvage certificate.

26 (b) Any owner, who scraps, compresses, dismantles or
27 destroys a vehicle for which a certificate of title or salvage
28 certificate has been issued, shall, within twenty days,
29 surrender the certificate of title or salvage certificate to
30 the division for cancellation. Any person who purchases
31 or acquires a vehicle as salvage or scrap, to be dismantled,
32 compressed or destroyed, shall within twenty days surren-
33 der the certificate to the division. Should a vehicle less
34 than eight years old be determined to be a complete loss as
35 a result of fire, flood or a basket, a photograph of the
36 vehicle shall accompany the surrendered certificate:
37 *Provided*, That the term "basket" means a vehicle which

38 has been damaged more than seventy-five percent of the
39 retail price as described in the national automobile dealers
40 association official used car guide. If the vehicle is to be
41 reconstructed, the owner must obtain a salvage certificate
42 and comply with the provisions of subsection (c) of this
43 section.

44 (c) If the motor vehicle is a "reconstructed vehicle" as
45 defined in section one, article one of this chapter, it may
46 not be titled or registered for operation until it has been
47 inspected by an official state inspection station and by a
48 representative of the division of motor vehicles who has
49 been designated by the commissioner as an investigator.
50 Following an approved inspection, an application for a
51 new certificate of title may be submitted to the division;
52 however, the applicant shall be required to retain all
53 receipts for component parts, equipment and materials
54 used in the reconstruction. The salvage certificate must
55 also be surrendered to the division before a certificate of
56 title may be issued.

57 (d) The owner or title holder of any motor vehicle titled
58 in this state which has previously been branded in this
59 state or another state as "salvage", "reconstructed", "flood"
60 or "fire" or an equivalent term under another state's laws
61 shall, upon becoming aware of the brand, apply for and
62 receive a title from the division of motor vehicles on which
63 the brand "reconstructed", "salvage", "flood" or "fire" is
64 shown. A fee of five dollars will be charged for each title
65 so issued.

66 (e) If application is made for title to a motor vehicle, the
67 title to which has previously been branded "recon-
68 structed", "salvage", "flood" or "fire" by the division of
69 motor vehicles under this section and said application is
70 accompanied by a title from another state which does not
71 carry the brand, the division shall, before issuing the title,
72 affix the brand "reconstructed", "flood" or "fire" to the
73 title. The privilege tax paid on a motor vehicle titled as

74 "reconstructed" under the provisions of this subsection,
75 "flood" or "fire" shall be based on fifty percent of the loan
76 value as described in the national automobile dealers
77 association official used car guide.

78 (f) The division shall charge a fee of fifteen dollars for
79 the issuance of each salvage certificate but shall not
80 require the payment of the five percent privilege tax.
81 However, upon application for a certificate of title for a
82 reconstructed, flood or fire damaged vehicle, the division
83 shall collect the five percent privilege tax on the fair
84 market value of the vehicle as determined by the commis-
85 sioner unless the applicant is otherwise exempt from the
86 payment of such privilege tax. A wrecker/dismantler/
87 rebuilder is exempt from the five percent privilege tax
88 upon titling a reconstructed vehicle. The division shall
89 collect a fee of thirty-five dollars per vehicle for inspec-
90 tions of reconstructed vehicles. These fees shall be
91 deposited in a special fund created in the state treasurer's
92 office and may be expended by the division to carry out
93 the provisions of this article. Licensed wreck-
94 ers/dismantlers/rebuilders may charge a fee not to exceed
95 twenty-five dollars for all vehicles owned by private
96 rebuilders which are inspected at the place of business of
97 a wrecker/dismantler/rebuilder.

98 (g) A certificate of title issued by the division for a
99 reconstructed vehicle shall contain markings in bold print
100 on the face of the title that it is for a reconstructed, flood
101 or fire damaged vehicle.

102 Any person who violates the provisions of this section
103 shall be guilty of a misdemeanor and, upon conviction
104 thereof, shall be fined not less than five hundred dollars
105 nor more than one thousand dollars, or imprisoned in the
106 county jail for not more than one year, or both fined and
107 imprisoned.

That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Ray Hoover
.....
Chairman Senate Committee

Nick Tentasia
.....
Chairman House Committee

Originated in the Senate.

In effect from passage

Parrell Edwards
.....
Clerk of the Senate

Bryony W. Day
.....
Clerk of the House of Delegates

Earl Ray Tomblin
.....
President of the Senate

Tim K. Wainwright
.....
Speaker House of Delegates

The within *approved* this the *10th*
day of *March*, 1998.

Jeff R. Abernethy
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/6/98

Time 3:00 pm