

SB 28 - AS INTRODUCED

2017 SESSION

17-0893

03/01

SENATE BILL           **28**

AN ACT               relative to salvage certificates of titles for motor vehicles.

SPONSORS:       Sen. Birdsell, Dist 19

COMMITTEE:   Transportation

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ANALYSIS

This bill authorizes the issuance of a salvage certificate of title for a vehicle under specified conditions after a total loss payment has been made or denied.

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Explanation:       Matter added to current law appears in ***bold italics***.  
                      Matter removed from current law appears ~~[in brackets and struck through.]~~  
                      Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Seventeen*

AN ACT                      relative to salvage certificates of titles for motor vehicles.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1    New Paragraphs; Salvage Certificate of Title. Amend RSA 261:22 by inserting after  
2 paragraph II the following new paragraphs:

3            II-a. With respect to a vehicle, other than an exempt vehicle as provided in RSA 261:3,  
4 which the vehicle owner has not chosen to retain, if an insurance firm or representative thereof is  
5 unable to obtain the documents described by RSA 261:22, II(a) or (b) within 30 days of the total loss  
6 payment, the insurance firm or representative thereof, at any time thereafter, may apply to the  
7 department for a salvage certificate of title in the name of the insurance firm without surrendering  
8 the certificate of title or other ownership documentation for the motor vehicle. The application shall  
9 be accompanied by evidence that the insurance firm has made a total loss payment for the vehicle, a  
10 copy of a written request for the certificate of title sent to the vehicle owner and any known  
11 lienholder by the insurance firm or representative thereof, proof that the request was delivered by a  
12 nationally-recognized courier service or by certified mail to the last known address of the vehicle  
13 owner and any known lienholder, and the required fee of \$10. The department shall process the  
14 application as provided in RSA 261:22, III, except that the department shall not require submission  
15 of the certificate of title or other ownership document for the motor vehicle. A salvage certificate of  
16 title issued pursuant to this paragraph shall be issued free and clear of all liens.

17            II-b. If an insurance firm or representative thereof requests that an auto wholesale dealer  
18 take possession of a motor vehicle, other than an exempt vehicle as provided in RSA 261:3, that is  
19 the subject of an insurance claim, and subsequently the insurance firm denies coverage with respect  
20 to the motor vehicle or otherwise does not take ownership of the motor vehicle, the auto wholesale  
21 dealer may proceed in accordance with this paragraph. At any time after the auto wholesale dealer  
22 has had possession of the motor vehicle for 45 days, it may apply to the department for a salvage  
23 certificate of title without surrendering the certificate of title or other ownership documentation for  
24 the motor vehicle. The application shall be accompanied by a copy of a written request, on the auto  
25 wholesale dealer's letterhead, requesting that, upon payment of applicable charges, the vehicle be  
26 removed from the auto wholesale dealer's facility, proof that the request was delivered by a  
27 nationally-recognized courier service or by certified mail to the last known address of the vehicle  
28 owner and any known lienholder at least 15 days before the date of the application, and the  
29 required fee of \$10. The department shall process the application as provided in RSA 261:22, III,  
30 except that the department shall not require submission of the certificate of title or other ownership  
31 document for the motor vehicle. A salvage certificate of title issued pursuant to this paragraph

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1 shall be issued free and clear of all liens.

2 II-c. An applicant under RSA 261:22, II-a or RSA 261:22, II-b shall indemnify and hold  
3 harmless the department from any liability arising from an error or misrepresentation made by  
4 such applicant in a submission to the department pursuant to RSA 261:22, II-a or RSA 261:22, II-b.

5 2 Effective Date. This act shall take effect July 1, 2017.