

VIRGINIA ACTS OF ASSEMBLY -- 2009 SESSION

CHAPTER 171

An Act to amend and reenact §§ 46.2-632 and 46.2-1603 of the Code of Virginia, relating to obtaining salvage certificates or certificates of title to certain vehicles; emergency.

[S 1326]

Approved March 23, 2009

Be it enacted by the General Assembly of Virginia:

1. That §§ 46.2-632 and 46.2-1603 of the Code of Virginia are amended and reenacted as follows:

§ 46.2-632. Transfer when certificate of title lost.

A. Whenever the applicant for the registration of a motor vehicle, trailer, or semitrailer or a new certificate of title is unable to present a certificate of title because the certificate has been lost or unlawfully detained by one in possession of it or whenever the certificate of title is otherwise not available, the Department may receive the application and investigate the circumstances of the case and may require the filing of affidavits or other information. When the Department is satisfied that the applicant is entitled to the title, it may register the motor vehicle, trailer, or semitrailer and issue a new registration card, license plate, or plates and certificate of title to the person entitled to it.

B. *Whenever the insurance company or its agent makes application for a certificate of title to a vehicle that is not a salvage vehicle as defined in § 46.2-1600 and is unable to present a certificate of title, the Department may receive the application along with an affidavit indicating that the vehicle was acquired as the result of the claims process and describing the efforts made by the insurance company or its agent to obtain the certificate of title from the previous owner. When the Department is satisfied that the applicant is entitled to the title, it may issue a certificate of title to the person entitled to it. The Commissioner may charge a fee of \$25 for the expense of processing an application under this subsection that is accompanied by an affidavit. Such fee shall be in addition to any other fees and taxes required. All fees collected under the provisions of this subsection shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.*

§ 46.2-1603. Obtaining salvage certificate or certificate of title for an unrecovered stolen vehicle.

A. The owner of any vehicle titled in the Commonwealth may declare such vehicle to be a salvage vehicle and apply to the Department and obtain a salvage certificate for that vehicle.

B. Every insurance company or its authorized agent shall apply to the Department and obtain a salvage certificate for each late model vehicle acquired by the insurance company as the result of the claims process if such vehicle is titled in the Commonwealth and is a salvage vehicle. *Whenever the insurance company or its agent makes application for a salvage certificate and is unable to present a certificate of title, the Department may receive the application along with an affidavit indicating that the vehicle was acquired as the result of the claims process and describing the efforts made by the insurance company or its agent to obtain the certificate of title from the previous owner. When the Department is satisfied that the applicant is entitled to the title, it may issue a certificate of title to the person entitled to it. The Commissioner may charge a fee of \$25 for the expense of processing an application under this subsection that is accompanied by an affidavit. Such fee shall be in addition to any other fees required. All fees collected under the provisions of this subsection shall be paid into the state treasury and set aside as a special fund to be used to meet the expenses of the Department.*

C. Every insurance company or its authorized agent shall apply to the Department and obtain a certificate of title for each stolen vehicle acquired by the insurance company as the result of the claims process if such vehicle is titled in the Commonwealth and has not been recovered at the time of application to the Department. For each recovered stolen vehicle, acquired as a result of the claims process, whose estimated cost of repair exceeds seventy-five percent of its actual cash value, the insurance company or its authorized agent shall apply to the Department and obtain a salvage certificate. The application shall be accompanied by the vehicle's title certificate and shall contain a description of the damage to the salvage vehicle and an itemized estimate of the cost of repairs up to the point where a nonrepairable certificate would be issued. Application for the certificate of title shall be made within fifteen days after payment has been made to the owner, lienholder, or both. Application for the salvage certificate shall be made within fifteen days after the stolen vehicle is recovered.

D. Every insurance company or its authorized agent shall notify the Department of each late model vehicle titled in the Commonwealth on which a claim for damage to the vehicle has been paid by the insurance company if (i) the estimated cost of repair exceeds seventy-five percent of actual cash value of the vehicle and (ii) the vehicle is to be retained by its owner. No such notification shall be required for a vehicle when a supplemental claim has been paid for the cost of repairs to the engine, transmission, or drive axle assembly if such components are replaced by components of like kind and quality.

E. Every owner of an uninsured or self-insured late model vehicle which sustains damage to such an

extent that the estimated cost of repairs exceeds seventy-five percent of the actual cash value of the vehicle prior to being damaged shall similarly apply for and obtain a salvage certificate. If no estimated cost of repairs is available from an insurance company, the owner of the vehicle may provide an estimate from an independent appraisal firm. Any such estimate from an independent appraisal firm shall be verified by the Department in such a manner as may be provided for by Department regulations.

F. The fee for issuance of the salvage certificate shall be ~~ten dollars~~ \$10. If a salvage vehicle is sold after a salvage certificate has been issued, the owner of the salvage vehicle shall make proper assignment to the purchaser.

G. The Department, upon receipt of an application for a salvage certificate for a vehicle titled in the Commonwealth, or upon receipt of notification from an insurance company or its authorized agent as provided in subsection D of this section, shall cause the title of such vehicle to be cancelled and the appropriate certificate issued to the vehicle's owner.

H. All provisions of this Code applicable to a motor vehicle certificate of title shall apply, mutatis mutandis, to a salvage certificate, except that no registration or license plates shall be issued for the vehicle described in the salvage certificate. A vehicle for which a salvage certificate has been issued may be retitled for use on the highways in accordance with the provisions of § 46.2-1605.

2. That an emergency exists and this act is in force from its passage.