

**First Regular Session
Seventy-first General Assembly
STATE OF COLORADO**

PREAMENDED

*This Unofficial Version Includes Committee
Amendments Not Yet Adopted on Second Reading*

LLS NO. 17-0946.01 Jery Payne x2157

HOUSE BILL 17-1205

HOUSE SPONSORSHIP

Melton, Pabon

SENATE SPONSORSHIP

Martinez Humenik,

House Committees
Business Affairs and Labor

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING CHANGING THE DEFINITION OF "SALVAGE VEHICLE".**

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill changes the definition of "salvage vehicle" from when the cost of repairing the vehicle to a roadworthy condition exceeds the fair market value immediately prior to the damage to when an insurer determines the vehicle to be a total loss. The bill also adds theft damage as an exclusion to the types of damage that can cause a vehicle to be a salvage vehicle.

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters indicate new material to be added to existing statute.
Dashes through the words indicate deletions from existing statute.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, 42-6-102, **amend**
3 (17)(a)(I)(C) as follows:

4 **42-6-102. Definitions.** As used in this part 1, unless the context
5 otherwise requires:

6 (17) (a) (I) "Salvage vehicle" means:

7 (C) A vehicle that is damaged by collision, fire, flood, accident,
8 trespass, or other occurrence, excluding hail damage OR THEFT, to the
9 extent that THE VEHICLE IS DETERMINED TO BE A TOTAL LOSS BY THE
10 INSURER OR OTHER PERSON ACTING ON BEHALF OF THE OWNER OR THAT
11 the cost of repairing the vehicle to a roadworthy condition and for legal
12 operation on the highways exceeds the vehicle's retail fair market value
13 immediately prior to the damage, as determined by the person who owns
14 the vehicle at the time of the occurrence or by the insurer or other person
15 acting on behalf of the owner.

16 **SECTION 2. Act subject to petition - effective date -**
17 **applicability.** (1) This act takes effect at 12:01 a.m. on the day following
18 the expiration of the ninety-day period after final adjournment of the
19 general assembly (August 9, 2017, if adjournment sine die is on May 10,
20 2017); except that, if a referendum petition is filed pursuant to section 1
21 (3) of article V of the state constitution against this act or an item, section,
22 or part of this act within such period, then the act, item, section, or part
23 will not take effect unless approved by the people at the general election
24 to be held in November 2018 and, in such case, will take effect on the
25 date of the official declaration of the vote thereon by the governor.

- 1 (2) This act applies to motor vehicle damage occurring on or after
- 2 the applicable effective date of this act.