

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

ENGROSSED

*This Version Includes All Amendments Adopted
on Second Reading in the House of Introduction*

LLS NO. 21-0974.01 Jery Payne x2157

HOUSE BILL 21-1291

HOUSE SPONSORSHIP

Van Winkle and Exum,

SENATE SPONSORSHIP

Winter,

House Committees

Transportation & Local Government

Senate Committees

A BILL FOR AN ACT

101 **CONCERNING ALLOWING AN AGENT OF AN INSURER TO OBTAIN**
102 **CERTAIN BRANDED TITLES FOR VEHICLES THAT HAVE BEEN**
103 **DECLARED A TOTAL LOSS.**

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>.)

Current law allows an insurer who has declared a vehicle a total loss to obtain a salvage or nonrepairable title for the vehicle when the owner has failed to cooperate. The bill authorizes an agent of an insurer to do the same.

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

HOUSE
Amended 2nd Reading
May 10, 2021

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

2 **SECTION 1.** In Colorado Revised Statutes, 42-6-110, **amend**
3 (1.5)(a); and **add** (1.5)(c) as follows:

4 **42-6-110. Certificate of title - transfer - department records -**
5 **rules.** (1.5) (a) If an insurer, as defined in section 10-1-102 (13), ~~C.R.S.~~,
6 ~~or~~ a salvage pool authorized by an insurer, OR AN AUTHORIZED AGENT OF
7 AN INSURER is unable to obtain the properly endorsed certificate of
8 ownership or other evidence of ownership acceptable to the department
9 within thirty days following oral or written acceptance by the owner of an
10 offer of settlement of a total loss, that insurer, ~~or~~ salvage pool, OR AGENT
11 may request, on a form provided by the department and signed under
12 penalty of perjury, the department to issue a salvage or nonrepairable title
13 for the vehicle. The request must include information declaring that the
14 insurer, ~~or~~ salvage pool, OR AGENT has made at least two written attempts
15 to obtain the certificate of ownership or other acceptable evidence of title
16 and must include the fee for a duplicate title. The form requesting a
17 salvage or nonrepairable title is the only evidence required to obtain a
18 salvage or nonrepairable title.

19 (c) AS USED IN THIS SUBSECTION (1.5), "AUTHORIZED AGENT OF AN
20 INSURER" MEANS A PERSON WHO HAS BEEN AUTHORIZED ON FORMS
21 PROMULGATED BY THE DEPARTMENT TO BE AN AGENT OF THE INSURER FOR
22 THE PURPOSE OF DISPOSING OF A VEHICLE THAT HAS BEEN DECLARED A
23 TOTAL LOSS.

24 **SECTION 2. Act subject to petition - effective date.** This act
25 takes effect at 12:01 a.m. on the day following the expiration of the
26 ninety-day period after final adjournment of the general assembly; except

1 that, if a referendum petition is filed pursuant to section 1 (3) of article V
2 of the state constitution against this act or an item, section, or part of this
3 act within such period, then the act, item, section, or part will not take
4 effect unless approved by the people at the general election to be held in
5 November 2022 and, in such case, will take effect on the date of the
6 official declaration of the vote thereon by the governor.