

CHAPTER 261

MOTOR VEHICLES AND TRAFFIC REGULATION

HOUSE BILL 04-1386

BY REPRESENTATIVE(S) Stengel, Spradley, Borodkin, Carroll, Coleman, Crane, Hoppe, Larson, Marshall, May M., Merrifield, Miller, Pommer, Rose, Spence, Stafford, Weddig, Welker, and Young;
also SENATOR(S) Kester, Hanna, and Sandoval.

AN ACT

CONCERNING PHYSICAL NOTICE THROUGH A SALVAGE BRAND TO POTENTIAL PURCHASERS THAT A MOTOR VEHICLE HAS BEEN SALVAGED.

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

SECTION 1. 42-6-136 (3), Colorado Revised Statutes, is amended to read:

42-6-136. Surrender and cancellation of certificate - penalty for violation.

(3) (a) ~~Any~~ AN OWNER OF A SALVAGE MOTOR VEHICLE ~~which~~ THAT HAS BEEN MADE ROADWORTHY WHO ~~makes application~~ APPLIES FOR A CERTIFICATE OF TITLE AS PROVIDED IN SECTION 42-6-116 SHALL INCLUDE SUCH INFORMATION REGARDING THE VEHICLE AS THE DIRECTOR MAY REQUIRE BY RULE. THE OWNER SHALL PROVIDE TO THE DIRECTOR EVIDENCE OF OWNERSHIP ~~which~~ THAT SATISFIES THE DIRECTOR THAT THE APPLICANT IS ENTITLED TO FILING OF A CERTIFICATE OF TITLE. THE DIRECTOR OR THE ~~director's~~ AUTHORIZED AGENT SHALL DESIGNATE IN A CONSPICUOUS PLACE IN THE RECORD FOR A VEHICLE THAT IT IS A SALVAGE VEHICLE THAT HAS BEEN MADE ROADWORTHY. SUCH DESIGNATION SHALL INCLUDE THE WORDS "REBUILT FROM SALVAGE" AND SHALL BECOME A PERMANENT PART OF THE CERTIFICATE OF TITLE FOR SUCH VEHICLE AND SHALL APPEAR ON ALL SUBSEQUENT CERTIFICATES OF TITLE FOR SUCH VEHICLE.

(b) (I) AN OWNER OF A SALVAGE MOTOR VEHICLE THAT HAS BEEN MADE ROADWORTHY WHO APPLIES FOR A CERTIFICATE OF TITLE AS PROVIDED IN SECTION 42-6-116 SHALL INCLUDE A CERTIFIED VIN INSPECTION, DR2704, PERFORMED BY A LAW ENFORCEMENT OFFICER CERTIFIED AS A VIN INSPECTOR.

(II) PRIOR TO THE INSPECTION, THE APPLICANT SHALL STAMP INTO THE MOTOR VEHICLE THE WORDS "REBUILT FROM SALVAGE" WITH EACH LETTER BEING NOT LESS THAN ONE-FORTH INCH IN SIZE. SUCH WORDS SHALL BE A SALVAGE BRAND AND BE STAMPED IN THE FOLLOWING LOCATIONS:

Capital letters indicate new material added to existing statutes; dashes through words indicate deletions from existing statutes and such material not part of act.

(A) IN A MOTORCYCLE, ON THE FRAME IN A VISIBLE LOCATION;

(B) IN A CLASS A MANUFACTURED MOTOR HOME, ON THE MAIN ENTRANCE DOOR JAMB;

(C) IN A TRAILER, ADJACENT TO THE PUBLIC VEHICLE IDENTIFICATION NUMBER;

(D) IN ALL OTHER MOTOR VEHICLES, ON THE BODY POST TO WHICH THE DRIVER'S DOOR LATCHES, ALSO KNOWN AS THE DRIVER'S DOOR B PILLAR.

(III) THE LAW ENFORCEMENT OFFICER SHALL NOT COMPLETE THE INSPECTION REQUIRED BY THIS PARAGRAPH (b) UNLESS THE SALVAGE BRAND COMPLIES WITH THIS PARAGRAPH (b).

(c) (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH (c), A PERSON COMMITS A CLASS 1 MISDEMEANOR AND, UPON CONVICTION, SHALL BE PUNISHED AS PROVIDED IN SECTION 18-1.3-501, C.R.S., IF SUCH PERSON:

(A) INTENTIONALLY REMOVES OR ALTERS A SALVAGE BRAND; OR

(B) POSSESSES A MOTOR VEHICLE WITHOUT RETITLING THE VEHICLE WITH A SALVAGE BRAND FOR FORTY-FIVE DAYS AFTER LEARNING THAT THE MOTOR VEHICLE'S SALVAGE BRAND MAY HAVE BEEN REMOVED OR ALTERED.

(II) A PERSON MAY REMOVE OR ALTER A SALVAGE BRAND IF NECESSARY TO LEGITIMATELY REPAIR A MOTOR VEHICLE. SUCH PERSON SHALL PROVIDE EVIDENCE OF SUCH REPAIR TO THE INVESTIGATING LAW ENFORCEMENT AUTHORITY, INCLUDING PRE-REPAIR AND POST-REPAIR PHOTOGRAPHS OF THE AFFECTED MOTOR VEHICLE PART AND THE SALVAGE BRAND AND A SIGNED AFFIDAVIT DESCRIBING THE REPAIRS. UPON REPAIR, OR SUBSEQUENT REPAIR, VEHICLE SHALL BE RESTAMPED.

SECTION 2. 42-6-102 (13), Colorado Revised Statutes, is amended to read:

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

(13) (a) "Salvage vehicle" means ~~any~~ A vehicle ~~which~~ THAT is damaged by collision, fire, flood, accident, trespass, or other occurrence, excluding hail damage, to the extent that the cost of repairing the vehicle TO A ROADWORTHY CONDITION AND for legal operation on the highways exceeds the vehicle's retail fair market value immediately prior to such damage, as determined by the person who owns the vehicle at the time of such occurrence or by the insurer or other person acting on behalf of such owner.

(b) In assessing whether a vehicle is a "salvage vehicle" under this section, the retail fair market value shall be determined by reference to sources generally accepted within the insurance industry including price guide books, dealer quotations, computerized valuation services, newspaper advertisements, and certified appraisals, taking into account the condition of the vehicle prior to the damage. WHEN ASSESSING THE REPAIRS THE ASSESSOR SHALL CONSIDER THE ACTUAL RETAIL COST OF

THE NEEDED PARTS AND THE REASONABLE AND CUSTOMARY LABOR RATES FOR NEEDED LABOR.

(c) This section shall not apply to a vehicle whose model year of manufacture is ~~eight~~ SIX years or older at the time of damage.

SECTION 3. Effective date - applicability. This act shall take effect July 1, 2004, and shall apply to offenses committed on or after said date.

SECTION 4. Safety clause. The general assembly hereby finds, determines, and declares that this act is necessary for the immediate preservation of the public peace, health, and safety.

Approved: May 21, 2004