
SENATE BILL 5252

State of Washington 54th Legislature 1995 Regular Session

By Senators Haugen, Wood, Rasmussen, Morton and Long

Read first time 01/17/95. Referred to Committee on Transportation.

1 AN ACT Relating to regulating salvage vehicles; amending RCW
2 46.12.070; and adding new sections to chapter 46.12 RCW.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 46.12 RCW
5 to read as follows:

6 Unless the context clearly requires otherwise, the definitions in
7 this section apply throughout this chapter.

8 (1) "Glider kit vehicle" means a large truck manufactured from a
9 kit manufactured by a manufacturer of large trucks that consists of a
10 frame, cab complete with wiring, instruments, fenders, and hood, and
11 front axles and wheels. The "glider kit" is made into a complete
12 assembly by the addition of the engine, transmission, rear axles,
13 wheels, and tires.

14 (2) "Major component part" means an individual segment of a vehicle
15 that is part of the structural integrity of the whole vehicle itself,
16 including the frame, radiator core support, strut towers or inner
17 fenders, door hinge pillars, rocker sill panels, quarter panels, top,
18 floor pan, welded wheel house, or a portion or section of the parts
19 listed in this subsection.

1 (3) "Reconstructed vehicle" or "repaired vehicle" means a vehicle
2 that has been rebuilt or repaired using like make and model parts and
3 visually appears as a vehicle that was originally constructed under a
4 distinctive manufacturer. This includes a salvage vehicle that is
5 damaged to the extent that a "reconstructed vehicle" or "repaired
6 vehicle" brand is required, and other vehicles that have been
7 reconstructed by the use of a kit designed to be used to construct an
8 exact replica of a vehicle that was previously constructed under a
9 distinctive name, make, model, or type by a generally recognized
10 manufacturer of vehicles. A glider kit vehicle is not a reconstructed
11 vehicle.

12 (4) "Salvage certificate" means a salvage certificate of ownership
13 issued under RCW 46.12.070.

14 (5) "Salvage vehicle" means a vehicle for which a salvage
15 certificate, salvage bill of sale, or other documentation showing
16 evidence that the vehicle has been declared salvage or has been damaged
17 to the extent that the owner, an insurer, or other person acting on
18 behalf of the owner, determines that the cost of parts and labor minus
19 the salvage value makes it uneconomical to repair or rebuild. When an
20 insurance company has paid money or has made other monetary settlement
21 as compensation for a total loss of a motor vehicle, the motor vehicle
22 is considered a salvage vehicle.

23 **Sec. 2.** RCW 46.12.070 and 1990 c 250 s 28 are each amended to read
24 as follows:

25 ~~((Upon the destruction of any vehicle issued a certificate of~~
26 ~~ownership under this chapter or a license registration under chapter~~
27 ~~46.16 RCW, the registered owner and the legal owner shall forthwith and~~
28 ~~within fifteen days thereafter forward and surrender the certificate to~~
29 ~~the department, together with a statement of the reason for the~~
30 ~~surrender and the date and place of destruction. Failure to notify the~~
31 ~~department or the possession by any person of any such certificate for~~
32 ~~a vehicle so destroyed, after fifteen days following its destruction,~~
33 ~~is prima facie evidence of violation of the provisions of this chapter~~
34 ~~and constitutes a gross misdemeanor.~~

35 Any insurance company settling an insurance claim on a vehicle that
36 has been issued a certificate of ownership under this chapter or a
37 certificate of license registration under chapter 46.16 RCW as a total
38 loss, less salvage value, shall notify the department thereof within

1 ~~fifteen days after the settlement of the claim. Notification shall be~~
2 ~~provided regardless of where or in what jurisdiction the total loss~~
3 ~~occurred.))~~ (1) A person acquiring a vehicle that is five years old or
4 less that has been determined to be a salvage vehicle shall obtain a
5 salvage certificate of ownership on the vehicle.

6 (2) The salvage certificate must replace the other certificates
7 issued under this chapter and indicates ownership only. It is not
8 valid for registration purposes.

9 (3) The department, an insurer, or a salvage pool shall issue a
10 salvage certificate. The department shall adopt a form for the salvage
11 certificate. The form must provide for assignments of the salvage
12 certificate. A person issuing a salvage certificate shall use the
13 form.

14 (4) The fee for a salvage certificate must be the same as for
15 issuance of a certificate of ownership under this chapter. The fee
16 must be deposited into the motor vehicle fund.

17 (5) An insurer making payment for a vehicle that is five years old
18 or less that has been determined to be a salvage vehicle shall, within
19 thirty days from receipt of the properly released certificates issued
20 under this chapter, issue a salvage certificate to the purchaser and
21 surrender to the department the ownership documents, a copy of the
22 salvage certificate, the salvage certificate fee, and other documents
23 as required by the department for processing.

24 (6) If a salvage pool receives the certificates issued under this
25 chapter for a vehicle, the vehicle being five years old or less and
26 determined to be a salvage vehicle, the salvage pool shall, within
27 thirty days and upon receipt of the properly released certificates
28 issued under this chapter, issue a salvage certificate to the purchaser
29 and surrender to the department the ownership documents, a copy of the
30 salvage certificate, the salvage certificate fee, and other documents
31 as required by the department for processing.

32 (7) If an insurer has allowed the owner to retain ownership of the
33 salvage vehicle, the owner shall surrender the certificate of ownership
34 for the vehicle to the department or the insurance company not later
35 than fifteen days from the date that the claim was satisfied. The
36 insurer shall notify the department of a total loss payoff. The
37 insurer or department shall issue a salvage certificate to the owner
38 before a sale or disposition of the salvage vehicle.

1 (8) If an insurer acquires the certificate of ownership of a
2 vehicle in a settlement of a theft claim, the insurer shall
3 immediately, upon receipt of the properly released certificates issued
4 under this chapter, issue a salvage certificate in the name of the
5 insurer and surrender to the department the ownership documents, a copy
6 of the salvage certificate, the salvage certificate fee, and other
7 documents as required by the department for processing.

8 (9) If an insurer has acquired a vehicle in a settlement of a theft
9 claim and made application to and has been issued a new salvage
10 certificate in the name of the insurer and the vehicle is subsequently
11 recovered and is not a salvage vehicle, the insurer may complete an
12 affidavit indemnifying the department stating the facts of acquisition
13 and disposition of the vehicle in a form adopted by the department and
14 deliver the salvage certificate, affidavit, and other documents
15 required by the department to the transferee at the time of delivery of
16 the vehicle.

17 (10) A person acquiring ownership of a salvage vehicle purchased in
18 a state or jurisdiction that does not require surrender of the
19 certificate of ownership or comparable ownership document shall, within
20 thirty days following delivery of the certificates issued under this
21 chapter, surrender the certificates issued under this chapter to the
22 department and apply for a salvage certificate.

23 (11) An owner of a salvage vehicle who sells or transfers the
24 vehicle shall provide a properly executed assignment of the salvage
25 certificate of ownership to the transferee.

26 (12) A purchaser of a salvage vehicle may not possess or retain a
27 salvage vehicle without a salvage certificate unless the salvage
28 vehicle is six years old or older. The salvage vehicle purchaser shall
29 display the salvage certificate upon the request of a peace officer or
30 agent of the department.

31 NEW SECTION. Sec. 3. A new section is added to chapter 46.12 RCW
32 to read as follows:

33 (1) The department shall issue a branded certificate of ownership
34 on a motor vehicle for which a salvage certificate, salvage bill of
35 sale, or other documentation showing evidence that the vehicle has been
36 declared salvage has been issued by this or another state. If
37 documentation of salvage certification is received from another state,
38 RCW 46.12.070 applies to that vehicle. The department shall clearly

1 mark across the face of the certificate of ownership, with the branded
2 certificate of a different color than the certificate of ownership.

3 (2) An authorized department employee shall conduct an initial
4 vehicle identification number inspection and major component parts
5 inspection and shall include examination of the vehicle and its parts
6 to determine that the identification numbers of the vehicle or its
7 parts have not been removed, falsified, altered, defaced, or destroyed
8 and that there are no indications that the vehicle or its parts are
9 stolen. The certification may not attest to the roadworthiness or
10 safety condition of the vehicle. The department shall adopt rules
11 setting the initial inspection fee and shall deposit the fee in the
12 motor vehicle fund. The department may contract with private or public
13 entities to conduct the inspections.

14 (a) If the inspector determines that one, or no, major component
15 part has damage requiring repair or replacement, the vehicle statement
16 of facts shall indicate that the vehicle is not eligible for a
17 certificate of ownership until it has been repaired and has been
18 reinspected as a "repaired vehicle." The vehicle statement of facts
19 must indicate that the vehicle requires a "repaired vehicle" decal
20 before issuance of a branded certificate of ownership. The owner may
21 then submit an application with all required supporting documents to
22 the department for issuance of a certificate of ownership.

23 (b) If the inspector determines that two or more major component
24 parts have damage requiring repair or replacement, or that the vehicle
25 has sustained flood damage, the vehicle is not eligible for a
26 certificate of ownership until it has been restored or reconstructed
27 and has been reinspected as a reconstructed vehicle. The vehicle
28 statement of facts must indicate that the vehicle requires a
29 "reconstructed vehicle" decal before issuance of a branded certificate
30 of ownership.

31 (3) An owner of a salvage vehicle that has been restored or
32 repaired in this state to its operating condition shall present the
33 vehicle to the department or its representative for inspection as a
34 reconstructed vehicle or a repaired vehicle.

35 (a) The inspector shall determine if:

36 (i) Headlights are properly aimed;

37 (ii) The vehicle has been measured and its measurements are within
38 the range provided for in industry-related frame and unibody
39 specification manuals;

1 (iii) The vehicle's structure has been thoroughly inspected and
2 found to be in accordance with the inter-industry council on automotive
3 repair, I-CAR, standards for structural and major component replacement
4 or repair;

5 (iv) The vehicle's suspension has been inspected for integrity and
6 alignment according to industry specifications and found to be within
7 those specifications; and

8 (v) The vehicle's brakes were inspected for safety and integrity
9 and are not in need of maintenance or repair.

10 (b) If the inspector determines that the receipts for major
11 component parts are valid, including the vehicle identification numbers
12 of the vehicles from which the major component parts were removed, a
13 "reconstructed vehicle" or "repaired vehicle" decal must be affixed to
14 the vehicle at the driver's door latch pillar and the statement of
15 facts must indicate that the vehicle has been branded. The certificate
16 of ownership must be branded accordingly.

17 (c) The department shall determine the amount of the fee for
18 reinspection.

19 (d) After the requirements under this subsection have been met, the
20 owner may then submit an application for branded certificate of
21 ownership to the department, which application must be accompanied by
22 the salvage bill of sale, salvage certificate, or other documentation
23 showing evidence that the vehicle has been declared salvage, vehicle
24 statement of facts, indemnifying affidavit, bills of sale or invoices
25 for major component parts, and written affirmation that states that:

26 (i) The owner personally rebuilt or repaired the vehicle or
27 personally supervised its rebuilding or repairing, including a
28 description of work done to restore the vehicle to the operating
29 condition that existed before the event that caused the salvage
30 certificate to be issued;

31 (ii) The identification numbers of the restored vehicle and its
32 parts have not, to the knowledge of the owner, been removed, destroyed,
33 falsified, altered, or defaced;

34 (iii) The salvage certificate document or out-of-state title
35 certificate attached to the application has not to the knowledge of the
36 owner been forged, falsified, or altered;

37 (iv) All information contained on the application and its
38 attachments is true and correct.

1 (4) Upon presentation of the documents required by the department,
2 the department shall issue a branded certificate of title that must
3 contain the words "reconstructed vehicle" or "repaired vehicle."

4 (5) If an otherwise-correct application is made for a certificate
5 of ownership on a salvage-certified vehicle that was not inspected as
6 required under subsection (2) of this section, the department shall
7 brand the vehicle with a "reconstructed vehicle" decal and shall issue
8 a branded certificate of ownership.

9 (6) A branded certificate of title received from another
10 jurisdiction must have its brand carried forward to all subsequent
11 certificates of ownership issued in this state.

12 (7) The department may adopt rules necessary to implement RCW
13 46.12.070 and this section.

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