

**ASSEMBLY BILL**

**No. 2571**

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**Introduced by Assembly Member Jones-Sawyer**

February 19, 2016

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An act to amend Section 11515 of the Vehicle Code, relating to vehicles.

LEGISLATIVE COUNSEL'S DIGEST

AB 2571, as introduced, Jones-Sawyer. Total loss salvage vehicles.

Existing law requires, if the owner of a total loss salvage vehicle retains possession of the vehicle, the insurance company to notify the Department of Motor Vehicles of the retention, as specified. Existing law requires the owner, within 10 days from the settlement of loss, to forward to the department the properly endorsed certificate of ownership or other evidence of ownership acceptable to the department, the license plates, and a specified fee. Upon receipt of these items, existing law requires the department to issue a salvage certificate for the vehicle. Prior to the sale or disposal of a total loss salvage vehicle, existing law requires the owner, the owner's agent, or salvage pool to obtain a properly endorsed salvage certificate and deliver the certificate to the purchaser within 10 days after payment in full for the salvage vehicle, as specified. A violation of these provisions is punishable as a misdemeanor.

This bill would make technical, nonsubstantive changes to this provision.

Vote: majority. Appropriation: no. Fiscal committee: no.  
State-mandated local program: no.

*The people of the State of California do enact as follows:*

SECTION 1. Section 11515 of the Vehicle Code is amended to read:

11515. (a) (1) ~~Whenever~~*If* an insurance company makes a total loss settlement on a total loss salvage vehicle, the insurance company, an occupational licensee of the department authorized by the insurance company, or a salvage pool authorized by the insurance company, within 10 days from the settlement of the loss, shall forward the properly endorsed certificate of ownership or other evidence of ownership acceptable to the department, the license plates, and a fee in the amount of fifteen dollars (\$15), to the department. An occupational licensee of the department may submit a certificate of license plate destruction in lieu of the actual license plate.

(2) If an insurance company, an occupational licensee of the department authorized by the insurance company, or a salvage pool authorized by the insurance company is unable to obtain the properly endorsed certificate of ownership or other evidence of ownership acceptable to the department within 30 days following oral or written acceptance by the owner of an offer of an amount in settlement of a total loss, that insurance company, licensee, or salvage pool, on a form provided by the department and signed under penalty of perjury, may request the department to issue a salvage certificate for the vehicle. The request shall include and document that the requester has made at least two written attempts to obtain the certificate of ownership or other acceptable evidence of title, and shall include the license plates and fee described in paragraph (1).

(3) The department, upon receipt of the certificate of ownership, other evidence of title, or properly executed request described in paragraph (2), the license plates, and the fee, shall issue a salvage certificate for the vehicle.

(b) ~~Whenever~~*If* the owner of a total loss salvage vehicle retains possession of the vehicle, the insurance company shall notify the department of the retention on a form prescribed by the department. The insurance company shall also notify the insured or owner of the insured's or owner's responsibility to comply with this subdivision. The owner shall, within 10 days from the settlement of the loss, forward the properly endorsed certificate of ownership

1 or other evidence of ownership acceptable to the department, the  
2 license plates, and a fee in the amount of fifteen dollars (\$15) to  
3 the department. The department, upon receipt of the certificate of  
4 ownership or other evidence of title, the license plates, and the fee,  
5 shall issue a salvage certificate for the vehicle.

6 (c) ~~Whenever~~ *If* a total loss salvage vehicle is not the subject of  
7 an insurance settlement, the owner shall, within 10 days from the  
8 loss, forward the properly endorsed certificate of ownership or  
9 other evidence of ownership acceptable to the department, the  
10 license plates, and a fee in the amount of fifteen dollars (\$15) to  
11 the department.

12 (d) ~~Whenever~~ *If* a total loss salvage vehicle is not the subject  
13 of an insurance settlement, a self-insurer, as defined in Section  
14 16052, shall, within 10 days from the loss, forward the properly  
15 endorsed certificate of ownership or other evidence of ownership  
16 acceptable to the department, the license plates, and a fee in the  
17 amount of fifteen dollars (\$15) to the department.

18 (e) Prior to the sale or disposal of a total loss salvage vehicle,  
19 the owner, owner's agent, or salvage pool, shall obtain a properly  
20 endorsed salvage certificate and deliver ~~it~~ *the certificate* to the  
21 purchaser within 10 days after payment in full for the salvage  
22 vehicle and shall also comply with Section 5900. The department  
23 shall accept the endorsed salvage certificate in lieu of the certificate  
24 of ownership or other evidence of ownership when accompanied  
25 by an application and other documents and fees, including, but not  
26 limited to, the fees required by Section 9265, as may be required  
27 by the department.

28 (f) This section does not apply to a vehicle that has been driven  
29 or taken without the consent of the owner thereof, until the vehicle  
30 has been recovered by the owner and only if the vehicle is a total  
31 loss salvage vehicle.

32 (g) A violation of subdivision (a), (b), (d), or (e) is a  
33 misdemeanor, pursuant to Section 40000.11. Notwithstanding  
34 Section 40000.11, a violation of subdivision (c) is an infraction,  
35 except that, if committed with the intent to defraud, a violation of  
36 subdivision (c) is a misdemeanor.

37 (h) (1) A salvage certificate issued pursuant to this section shall  
38 include a statement that the seller and subsequent sellers that  
39 transfer ownership of a total loss vehicle pursuant to a properly  
40 endorsed salvage certificate are required to disclose to the purchaser

1 at, or prior to, the time of sale that the vehicle has been declared  
2 a total loss salvage vehicle.

3 (2) Effective on and after the department includes in the salvage  
4 certificate form the statement described in paragraph (1), a seller  
5 who fails to make the disclosure described in paragraph (1) shall  
6 be subject to a civil penalty of not more than five hundred dollars  
7 (\$500).

8 (3) Nothing in this subdivision affects any other civil remedy  
9 provided by law, including, but not limited to, punitive damages.