

1 SENATE BILL NO. 211

2 INTRODUCED BY R. HUTTON

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4 A BILL FOR AN ACT ENTITLED: "AN ACT REVISING THE SALVAGE MOTOR VEHICLE TITLE LAW BY
5 REMOVING CHANGING A VEHICLE AGE RESTRICTION; AND AMENDING SECTION 61-3-211, MCA."6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:8
9 **Section 1.** Section 61-3-211, MCA, is amended to read:10 **"61-3-211. Surrender of certificate of title -- issuance of salvage certificate -- salvage retitling**
11 **requirements.** (1) An insurer acquiring ownership of a motor vehicle ~~that is less than 5 years of age and~~ THAT
12 IS LESS THAN 15 YEARS OF AGE AND that the insurer determines to be a salvage vehicle shall surrender the
13 certificate of title to the department within 15 days after acquiring the certificate of title. If the insurer has not sold
14 the salvage vehicle prior to the time of surrendering the certificate of title, the insurer shall apply for a salvage
15 certificate on a form prescribed by the department. If the certificate of title names one or more holders of a
16 perfected security interest in the motor vehicle, the insurer shall secure and deliver to the department a release
17 from each secured party of the secured interest.18 (2) Upon receipt of a properly executed certificate of title and a salvage certificate application from an
19 insurer, the department shall issue a salvage certificate to the insurer within 5 working days of the date of receipt
20 of the application. Upon receipt of a salvage certificate issued by the department, an insurer may possess, retain,
21 transport, sell, transfer, or otherwise dispose of the salvage vehicle. The salvage certificate is prima facie
22 evidence of ownership of a salvage vehicle.23 (3) If the insurer sells a salvage vehicle within the 15-day period established in subsection (1) prior to
24 surrendering the certificate of title, the insurer shall complete a salvage receipt on a form prescribed by the
25 department. The insurer shall deliver the original salvage receipt to the salvage vehicle purchaser only after
26 obtaining a clear title and lien release. Prior to disposing of the salvage vehicle, the salvage vehicle purchaser
27 shall apply for a salvage certificate by completing the salvage receipt and submitting it to the department. The
28 insurer shall deliver a copy of the salvage receipt with the surrendered certificate of title to the department. Upon
29 receipt of the certificate of title from the insurer and the application from the salvage vehicle purchaser, the
30 department shall issue a salvage certificate to the salvage vehicle purchaser that is prima facie evidence of

1 ownership.

2 (4) If an insurer determines that a salvage vehicle will remain with the owner after an agreed settlement,
3 the insurer shall notify the department of the settlement on a form prescribed by the department. Upon receipt
4 of the notice, the department may require the owner to surrender the certificate of title in compliance with this part,
5 regardless of whether ownership of the salvage vehicle was obtained in a jurisdiction not requiring the surrender
6 of the certificate of title or a comparable ownership document.

7 (5) At the time of surrender of a certificate of title for a salvage vehicle not acquired by an insurer, the
8 department shall issue a salvage certificate to the owner. Upon receipt of a salvage certificate issued by the
9 department to a noninsurer, the owner may possess, retain, transport, sell, transfer, or otherwise dispose of the
10 salvage vehicle. A salvage certificate is prima facie evidence of ownership of a salvage vehicle.

11 (6) A fee of \$5 must be paid to the department for the issuance of a salvage certificate.

12 (7) A salvage vehicle owned by or in the inventory of a motor vehicle wrecking facility on October 1,
13 1991, is exempt from the provisions of this section if the owner of the facility has complied with the provisions of
14 61-3-225."

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