

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 665

BY SENATOR KESSLER

[Introduced February 22, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §17A-4-11, relating to the sale of vehicles whose title is branded as total loss,
 3 salvage or similar brand; requiring a record of all sales of such vehicles to be kept;
 4 requiring the Department of Transportation to contract for the development of a statewide
 5 database of such vehicle sales; authorizing the department to adopt rules to facilitate
 6 implementation of the database; requiring reports of the sale or purchase of such vehicles
 7 to be reported to the database; and creating a civil infraction fine for failure to report.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
 2 section, designated §17A-4-11, to read as follows:

ARTICLE 4. TRANSFERS OF TITLE OR INTEREST.

§17A-4-11. Record keeping and database of motor vehicles whose title is branded as total loss, salvage or similar brand.

1 (a) Every motor vehicle dealer or automobile auction engaged in the sale of a vehicle
 2 whose title is branded as total loss, salvage or carries a similar brand shall do the following:

3 (1) Keep an electronic record of all sales of a vehicle whose title is branded as total loss,
 4 salvage, or carries a similar brand and shall include in the record the make, model, year, vehicle
 5 identification number, and the names and addresses of the purchaser and seller of the total loss,
 6 or salvage motor vehicle.

7 (2) Obtain from any purchaser of a vehicle whose title is branded as total loss, salvage or
 8 carries a similar brand a copy of a driver's license, passport, or other government-issued
 9 identification. Every salvage motor vehicle dealer shall maintain a copy of this identification for a
 10 period of three years.

11 (b) Within two months after the effective date of this section:

12 (1) The department shall contract with an entity approved as a third party data consolidator
 13 to the National Motor Vehicle Title Information System (NMVTIS) for the development of a

14 statewide database for the submission of the information collected pursuant to this section. The
15 system shall be used to maintain an accurate record of all such transactions conducted and the
16 consolidator shall report such information to NMVTIS on behalf of the reporting entity.

17 (2) The department shall adopt rules to facilitate a unique identifier for all purchasers of
18 total loss, salvage, or other similarly branded vehicles to facilitate tracking of such purchases and
19 reporting to the statewide database.

20 (3) The statewide database shall track all transactions of vehicles whose title is branded
21 as total loss, salvage, or carries a similar brand.

22 (4) The department shall make the information received under this section available to any
23 state or local law-enforcement agency upon request.

24 (c) Any seller of a vehicle whose title is branded as total loss, salvage, or carries a similar
25 brand shall report within forty-eight hours to the state database developed by the department all
26 transactions involving the acquisition, transfer of ownership, or disposal of a total loss, salvage
27 vehicle or carries a similar brand.

28 (d) Any purchaser of a vehicle, except a licensed new motor vehicle dealer, wrecker,
29 dismantler or rebuilder, whose title is branded as total loss, salvage or carries a similar brand shall
30 report within forty-eight hours to the state database developed by the department all transactions
31 involving the acquisition, transfer of ownership, or disposal of a total loss, salvage vehicle or
32 vehicle that carries a similar brand.

33 (e) Any new motor vehicle dealer, wrecker, dismantler or rebuilder that purchases a
34 vehicle whose title is branded as total loss, salvage, or carries a similar brand shall report on a
35 monthly basis to the state database developed by the department all transactions involving the
36 acquisition, transfer of ownership, or disposal of a total loss, salvage vehicle or carries a similar
37 brand.

38 (f) Any person who knowingly violates this paragraph by failing to report all transactions
39 of a vehicle whose title is branded as total loss, salvage, or carries a similar brand to the statewide

40 database commits a civil infraction, punishable by \$1,000 per infraction.

NOTE: The purpose of this bill is to provide for record keeping of and create a database of the sale or purchase of motor vehicles whose title is branded as total loss, salvage or similar brand.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.