~~Indicates Matter Stricken~~

Indicates New Matter

COMMITTEE REPORT

February 7, 2019

**H. 3310**

Introduced by Rep. Elliott

S. Printed 2/7/19--H.

Read the first time January 8, 2019.

**THE COMMITTEE ON EDUCATION AND PUBLIC WORKS**

To whom was referred a Bill (H. 3310) to amend Section 56‑19‑480, Code of Laws of South Carolina, 1976, relating to the transfer and surrender of certificates of title, license plates, registration, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, by striking Section 56-19-480(B) and inserting:

/“(B) If a vehicle is acquired by an insurance company in settlement of a claim to the vehicle by fire, flood, collision, or other causes, or is left with the claimant after being declared a total loss by the insurance company, the company or its agent immediately shall deliver to the department the certificate of title together with a report indicating the type and severity of damage to the vehicle. If an insurance company or its agent is unable to obtain the certificate of title from the claimant within thirty days after acceptance by the claimant of an offer in settlement of total loss, the insurance company or its agent, on a form provided by the department, may submit an application to the department for a salvage certificate of title. The application shall include evidence that the insurance company or its agent has fulfilled its settlement with and made two or more written attempts to obtain the certificate of title from the claimant. At such time as the insurance company may thereafter transfer the damaged vehicle, the company or its agent shall notify the department to whom the transfer was made on a form prescribed by the department. Notwithstanding another provision of law, when an insurance company obtains title to a vehicle from settling a total loss claim, the insurance company may obtain a title to the vehicle designated as ‘salvage’. The insurance company must pay the title fee contained in Section 56‑19‑420.” /

Renumber sections to conform.

Amend title to conform.

MERITA A. ALLISON for Committee.

**STATEMENT OF ESTIMATED FISCAL IMPACT**

**Explanation of Fiscal Impact**

**Introduced on January 8, 2019**

**State Expenditure**

This bill allows an insurance company or its agent to submit an application to DMV for a salvage certificate of title for a vehicle that is acquired by the insurance company in a settlement of a claim. The application must be on a form provided by DMV and may only be submitted when the insurance company is unable to obtain the certificate of title from the claimant within thirty days after oral or written acceptance by the claimant of a settlement offer of total loss. The application must include evidence that the insurance company or its agent has made two or more written attempts to obtain the certificate of title from the claimant.

DMV indicates that its current system has the capability to implement the provisions of this bill. Therefore, the bill will have no expenditure impact on the agency.

Frank A. Rainwater, Executive Director

Revenue and Fiscal Affairs Office

**A** **BILL**

TO AMEND SECTION 56‑19‑480, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE TRANSFER AND SURRENDER OF CERTIFICATES OF TITLE, LICENSE PLATES, REGISTRATION CARDS, AND MANUFACTURERS’ SPECIAL PLATES FOR VEHICLES SOLD AS SALVAGE, ABANDONED, SCRAPPED, OR DESTROYED, SO AS TO PROVIDE A PROCEDURE FOR AN INSURANCE COMPANY OR ITS AGENT TO OBTAIN A CERTIFICATE OF TITLE FOR A VEHICLE FROM THE DEPARTMENT OF MOTOR VEHICLES WHEN A CLAIMANT FAILS TO DELIVER THE TITLE TO THE INSURANCE COMPANY OR ITS AGENT UNDER CERTAIN CIRCUMSTANCES.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 56‑19‑480(B) of the 1976 Code is amended to read:

“(B) If a vehicle is acquired by an insurance company in settlement of a claim to the vehicle by fire, flood, collision, or other causes, or is left with the claimant after being declared a total loss by the insurance company, the company or its agent immediately shall deliver to the department the certificate of title together with a report indicating the type and severity of damage to the vehicle. If an insurance company or its agent is unable to obtain the certificate of title from the claimant within thirty days after oral or written acceptance by the claimant of an offer in settlement of total loss, the insurance company or its agent, on a form provided by the department, may submit an application to the department for a salvage certificate of title. The application shall include evidence that the insurance company or its agent has fulfilled its settlement with and made two or more written attempts to obtain the certificate of title from the claimant. At such time as the insurance company may thereafter transfer the damaged vehicle, the company or its agent shall notify the department to whom the transfer was made on a form prescribed by the department. Notwithstanding another provision of law, when an insurance company obtains title to a vehicle from settling a total loss claim, the insurance company may obtain a title to the vehicle designated as ‘salvage’. The insurance company must pay the title fee contained in Section 56‑19‑420.”

SECTION 2. This act takes effect upon approval by the Governor.

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