

2022 -- S 2098

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

A N A C T

RELATING TO MOTOR AND OTHER VEHICLES -- RHODE ISLAND SALVAGE LAW

Introduced By: Senators Archambault, Goodwin, Burke, Ruggerio, and Coyne

Date Introduced: January 25, 2022

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 31-46-1 of the General Laws in Chapter 31-46 entitled "Rhode Island
2 Salvage Law" is hereby amended to read as follows:

3 **31-46-1. Duty of insurance company and salvage motor vehicle dealer.**

4 (a) Any insurance company taking possession of a motor vehicle for which a certificate of
5 title has been issued in this state, that has been declared a total loss because of damage to that
6 vehicle, in settlement of a claim for damage or theft shall within ten (10) days deliver to the division
7 of motor vehicles the certificate of title of that vehicle and obtain a salvage certificate of title for
8 that vehicle as prescribed for by the administrator of the division of motor vehicles. If the insurance
9 company is unable to obtain the certificate of title of the vehicle for more than thirty (30) days after
10 payment of the total loss claim on the vehicle, the insurance company or its agent may apply for
11 and obtain, free and clear of all liens and claims of ownership, a salvage certificate of title in the
12 insurance company's name without delivering the certificate of title to the division of motor
13 vehicles. The application shall be accompanied by evidence that the insurance company has paid a
14 total loss claim on the vehicle and has attempted to obtain the certificate of title by sending at least
15 two (2) written attempts, sent by certified mail or by another commercially available delivery
16 service providing proof of delivery and addressed to the last known owner of the vehicle and any
17 known lienholders, at the address shown on the records of the appropriate registry, in the state in
18 which the vehicle is registered.

19 (b) If:

1 (1) A motor vehicle dealer, the primary business of which is the sale of salvage motor
2 vehicles on behalf of insurance companies, is asked by an insurance company to take possession
3 of a motor vehicle for which a certificate of title has been issued in this state;

4 (2) The motor vehicle is the subject of an insurance claim; and

5 (3) Subsequently a total loss claim is not paid by the insurance company with respect to
6 the motor vehicle, the motor vehicle dealer may, if the motor vehicle has been abandoned at the
7 facility of the motor vehicle dealer for more than thirty (30) days, apply for and obtain, free and
8 clear of all liens and claims of ownership, a salvage certificate of title in the dealer's name without
9 surrendering the certificate of title to the division of motor vehicles. The application shall be
10 accompanied by evidence that the motor vehicle dealer made at least two (2) written attempts, sent
11 by certified mail or by another commercially available delivery service providing proof of delivery
12 and addressed to the last known owner of the vehicle and any known lienholders, at the address
13 shown on the records of the appropriate registry, in the state in which the vehicle is registered, to
14 have the vehicle removed from the motor vehicle dealer's facility. In such application, the motor
15 vehicle dealer shall also classify the vehicle as Classification A or Classification B, as the
16 classifications are described in § 31-46-1.1.

17 (c) Notwithstanding any provision of law to the contrary, on a power of attorney or other
18 document supporting an application for a certificate of ownership or salvage certificate of title by
19 an insurer or an agent of an insurer, the signature or electronic signature of the owner who has
20 received or is to receive a total loss settlement from the insurer shall not require notarization.

21 SECTION 2. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would eliminate the notarization requirement of various certificates filed by
2 insurance companies.

3 This act would take effect upon passage.

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