

# House Bill 2436

Sponsored by Representative GARRARD; Representative SCHAUFLEER (at the request of Oregon Vehicle Dealer Association)

## SUMMARY

The following summary is not prepared by the sponsors of the measure and is not a part of the body thereof subject to consideration by the Legislative Assembly. It is an editor's brief statement of the essential features of the measure **as introduced**.

Requires insurer to obtain title to any vehicle declared by insurer to be totaled.

## A BILL FOR AN ACT

1 Relating to totaled vehicles; creating new provisions; and amending ORS 819.014.

2 **Be It Enacted by the People of the State of Oregon:**

3 **SECTION 1.** ORS 819.014 is amended to read:

4 819.014. (1) An insurer commits the offense of insurer failure to follow procedures for a totaled  
5 vehicle if the insurer declares that the vehicle is a totaled vehicle and does not[:]

6 [(a)] obtain the certificate of title from the owner of the vehicle as a condition of settlement of  
7 the claim and surrender it to the Department of Transportation within 30 days of its receipt. [;  
8 or]

9 [(b) *If the insurer does not obtain the certificate from the registered owner, notify the department  
10 that the vehicle is a totaled vehicle within 30 days of declaring it to be so, or taking title to or pos-  
11 session of it, and notify the registered owner of the vehicle that the registered owner must surrender  
12 the certificate to the department and must notify any subsequent purchaser that the vehicle is a totaled  
13 vehicle.*]

14 (2) If the vehicle is one for which title was issued in a form other than a certificate, the insurer  
15 shall notify the department that the vehicle is a totaled vehicle and shall follow procedures adopted  
16 by the department by rule.

17 (3) The offense described in this section, insurer failure to follow procedures for a totaled vehi-  
18 cle, is a violation of the Insurance Code, as provided in ORS 746.308.

19 **SECTION 2.** **The amendments to ORS 819.014 by section 1 of this 2007 Act apply to a  
20 declaration by an insurer, on or after the effective date of this 2007 Act, that a vehicle is a  
21 totaled vehicle.**  
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**NOTE:** Matter in **boldfaced** type in an amended section is new; matter [*italic and bracketed*] is existing law to be omitted. New sections are in **boldfaced** type.