

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 610

S.P. 190

In Senate, February 17, 2011

### **An Act To Clarify the Procedure by Which a Salvage Company May Apply for a Motor Vehicle Title**

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Reference to the Committee on Transportation suggested and ordered printed.

*Joseph G. Carleton Jr.*

JOSEPH G. CARLETON, JR.  
Secretary of the Senate

Presented by Senator COURTNEY of York.  
Cosponsored by Representative CEBRA of Naples and  
Senators: COLLINS of York, THOMAS of Somerset, Representatives: LIBBY of Waterboro,  
PARRY of Arundel, ROSEN of Bucksport.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 29-A MRSA §1851, sub-§5**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
3 affected by Pt. B, §5, is amended to read:

4 **5. Left after repair completed.** Left at a place of business after being repaired  
5 pursuant to a written work order signed by the person requesting the repair work; ~~or~~

6 **Sec. 2. 29-A MRSA §1851, sub-§6**, as enacted by PL 1993, c. 683, Pt. A, §2 and  
7 affected by Pt. B, §5, is amended to read:

8 **6. Left on residential property.** Left on an individual's residential property for  
9 more than 6 months; ~~or~~

10 **Sec. 3. 29-A MRSA §1851, sub-§7** is enacted to read:

11 **7. Left with an independent entity.** Left without a transferable title on the  
12 premises of an independent entity that temporarily stores a damaged or dismantled  
13 vehicle pursuant to an agreement with an insurance company, financial institution or  
14 dealer and that is engaged in the sale or resale of damaged or dismantled vehicles.

15 **Sec. 4. 29-A MRSA §1862** is enacted to read:

16 **§1862. Left with an independent entity**

17 **1. Release of vehicle.** An insurance company, financial institution or dealer may  
18 direct an independent entity that obtains possession of a vehicle under section 1851,  
19 subsection 7 to release the vehicle to the owner. The insurance company, financial  
20 institution or dealer shall provide the independent entity a release statement under  
21 subsection 2 authorizing the independent entity to release the vehicle to the vehicle's  
22 owner.

23 **2. Release statement.** A release statement authorizing an independent entity under  
24 subsection 1 to release a vehicle to a vehicle's owner must be on a form prescribed by the  
25 bureau and contain the following information:

26 A. The insurance policy and claim number relating to the vehicle;

27 B. The name and address of the insured owner of the vehicle;

28 C. The vehicle identification number and description of the vehicle; and

29 D. The signature of an authorized representative of the insurance company, financial  
30 institution or dealer.

31 **3. Notice to owner.** Upon receiving a release statement concerning a vehicle from  
32 an insurance company, financial institution or dealer under subsection 1, an independent  
33 entity shall send a notice to the owner of the vehicle that the vehicle is available for  
34 pickup by the owner. The notice must contain an invoice for any outstanding charge  
35 owed the independent entity, including an initial towing or storage charge paid to a 3rd  
36 party, and inform the owner that the owner has 30 days from the date of the postmark on

1 the notice to pick up the vehicle from the independent entity. A notice under this  
2 subsection must be sent by first class mail to the owner's address on record with the  
3 bureau.

4 **4. Abandonment.** If the owner of a vehicle does not pick up the vehicle within 30  
5 days after notice was sent to the owner pursuant to subsection 3, the vehicle is considered  
6 abandoned and the independent entity may apply for a certificate of title or certificate of  
7 salvage as determined by the bureau. The independent entity shall provide the bureau  
8 with a copy of the release statement under subsection 1, proof of notice under subsection  
9 3 and any other supporting documentation and fees as determined necessary by the  
10 bureau with the application for certificate of title or certificate of salvage.

11 **5. Rules.** The bureau may adopt rules to carry out the purposes of this section.  
12 Rules adopted under this subsection are routine technical rules pursuant to Title 5, chapter  
13 375, subchapter 2-A.

14 **SUMMARY**

15 This bill allows a salvage company or similar entity that is in possession of an  
16 unclaimed vehicle after release by an insurance company, financial institution or dealer  
17 and notice to the owner to obtain title to that vehicle.