

Montana Auto Total Loss Threshold by Law

**61-3-211. Surrender of certificate of title -- issuance of salvage certificate -- salvage retitling requirements.**

(1) When an insurer acquires ownership of a motor vehicle that is less than 15 years of age and that has been determined to be a salvage vehicle, the insurer shall apply for a salvage certificate on a form prescribed by the department. The application must be accompanied by a certificate of title assigned to the insurer unless the application indicates that the insurer was unable to obtain the certificate of title after making at least two attempts to do so following oral or written acceptance by the owner of the salvage vehicle of the settlement offer for the salvage vehicle. If the certificate of title or electronic record of title maintained by the department names one or more holders of a perfected security interest in the motor vehicle, the insurer shall secure and deliver to the department or an authorized agent a release from each secured party of the secured interest.

(2) The department shall issue a salvage certificate to the insurer within 5 working days of the date of receipt of the application. Upon receipt of a salvage certificate issued by the department, an insurer may possess, retain, transport, sell, transfer, or otherwise dispose of the salvage vehicle. The salvage certificate is prima facie evidence of ownership of a salvage vehicle.

(3) If the insurer elects to sell a salvage vehicle before a salvage certificate is obtained under subsections (1) and (2), the insurer shall complete a salvage receipt on a form prescribed by the department. The insurer shall deliver the original salvage receipt to the salvage vehicle purchaser only after a release has been obtained from each secured party of any security interest in the salvage vehicle. The insurer shall then deliver to the department or an authorized agent a copy of the salvage receipt, any security releases, and a certificate of title assigned to the insurer unless the insurer was unable to obtain the certificate of title after making at least two attempts to do so following oral or written acceptance by the owner of the salvage vehicle of the settlement offer for the salvage vehicle. Upon submission of the original salvage receipt by the salvage vehicle purchaser, the department shall issue a salvage certificate to the salvage vehicle purchaser that is prima facie evidence of ownership. A salvage certificate must be obtained before the salvage vehicle purchaser disposes of the salvage vehicle.

(4) If an insurer determines that a salvage vehicle will remain with the owner after an agreed settlement, the insurer shall notify the department or an authorized agent of the settlement on a form prescribed by the department. Upon receipt of the notice, the department may require the owner to surrender the certificate of title in compliance with this part, regardless of whether ownership of the salvage vehicle was obtained in a jurisdiction not requiring the surrender of the certificate of title or a comparable ownership document.

(5) At the time of surrender of a certificate of title for a salvage vehicle not acquired by an insurer, the department shall issue a salvage certificate to the owner. Upon receipt of a salvage certificate issued by the department to a noninsurer, the owner may possess, retain, transport, sell, transfer, or otherwise dispose of the salvage vehicle. A salvage certificate is prima facie evidence of ownership of a salvage vehicle.

**(6)** A fee of \$5 must be paid to the department for the issuance of a salvage certificate.

**(7)** A salvage vehicle owned by or in the inventory of a motor vehicle wrecking facility on October 1, 1991, is exempt from the provisions of this section if the owner of the facility has complied with the provisions of 61-3-225.