

New Hampshire Auto Total Loss Threshold by Law

Section 261:22 Destruction of Vehicles; Total Loss, Salvage, and Rebuilt Vehicles. –

I.

(a) The owner of a facility where any motor vehicle is first crushed, shredded, baled, or sheared shall submit within 30 days to the National Motor Vehicle Title Information System (NMVTIS), supported by the United States Department of Justice, as required by federal law, an electronic file which shall also be sent to the department containing such information as is necessary to:

(1) Identify the vehicle when it was brought to the facility; and

(2) Provide contact information for all parties identified on the electronic file.

(b) For purposes of this section, "facility" means the motor vehicle salvage facility, as defined in RSA 149-M:4, XI-b, or other location at which a vehicle is crushed, shredded, baled, or sheared.

(c) The certificate of title for the vehicle shall be assigned to the facility and submitted to the department, unless one is not required for the vehicle under RSA 261:3, and any other information and documents the director reasonably requires.

(d) Any vehicle that has been crushed, shredded, baled, or sheared in the state shall be accompanied while being transported on the ways of the state by either a copy of the electronic report sent to NMVTIS or some alternative means, approved by the department, of certifying that such submission was made.

II. Any insurance firm or representative thereof who shall declare a motor vehicle other than an exempt vehicle as provided in RSA 261:3 as having been a total loss shall make application for a salvage certificate of title within 20 days of the total loss payment. Such application shall be accompanied by:

(a) Any certificate of title;

(b) Any other information and documents the director reasonably requires to establish ownership of the vehicle and the existence or nonexistence of security interest in it; and

(c) The required fee of \$10.

III. The department shall file each application received and when satisfied as to its genuineness and regularity and when satisfied that the applicant is entitled to the issuance of a salvage certificate of title shall issue a salvage certificate of title of the vehicle to the owner. The salvage certificate of title shall serve as proof of ownership and shall contain a legend indicating that the vehicle has been declared a total loss. The department may adopt rules relative to the circumstances, if any, under which a salvage certificate of title should reflect any legend pertaining to recovered theft.

IV. If the department has issued a salvage certificate of title after the vehicle has been declared a total loss, the owner shall not apply for title or registration again until the vehicle has been inspected by the director or the director's authorized representative. The inspection of the vehicle shall include

verification of the vehicle identification number and bills of sale or titles for major component parts used to rebuild the vehicle. When necessary for rebuilt vehicles, a new vehicle identification number shall be attached to the vehicle and shall take precedence over any other number that may be engraved on or attached to the vehicle. Any new title and registration issued for a rebuilt vehicle shall contain the legend "rebuilt vehicle." The department shall also issue a decal bearing the legend "salvage vehicle" which the title bureau investigator shall affix to the vehicle on the rear of the left front door post. Each "salvage vehicle" decal shall include a statement indicating that removing the decal or causing the decal to be removed is a misdemeanor under RSA 261:22, V.

IV-a. Before selling to any buyer any used vehicle, the title to which is required to be marked "salvage" pursuant to this section, or the title and the registration to which is required to be marked "rebuilt" pursuant to this section, the seller shall disclose to the buyer in writing that the vehicle is a salvage vehicle and the reasons for such designation. Failure to comply with the provisions of this paragraph shall constitute an unfair or deceptive act or practice under RSA 358-A:2.

V. It shall be a misdemeanor for any person to remove or cause to be removed a "salvage vehicle" decal from a motor vehicle to which it has been affixed pursuant to paragraph IV. A bona fide purchaser for value of a motor vehicle which is not properly accompanied by the disclosure required by RSA 261:22, IV-a, or from which the seller has removed or caused to be removed a "salvage vehicle" decal in violation of this paragraph may rescind the purchase within 3 business days after receiving a certificate of title disclosing that the vehicle is a salvage vehicle or receiving a certificate of title or registration disclosing that the vehicle is a rebuilt vehicle.

VI. For purposes of this section, a total loss vehicle shall mean either an unrecovered stolen vehicle or a damaged vehicle:

(a) That is determined to be physically or economically impractical to repair in connection with an insurance claim settlement; or

(b) For which the cost of repairing the vehicle is 75 percent or more of its fair market value prior to the vehicle being damaged, if the damage occurs during its model year or the 4 subsequent calendar years. The total cost of repairing the vehicle shall not include the cost of repairing, replacing, or reinstalling inflatable safety restraints, tires, or entertainment systems.