

109TH CONGRESS
2D SESSION

S. 3707

To improve consumer access to passenger vehicle loss data held by insurers.

IN THE SENATE OF THE UNITED STATES

JULY 20, 2006

Mr. LOTT introduced the following bill; which was read twice and referred to
the Committee on Commerce, Science, and Transportation

A BILL

To improve consumer access to passenger vehicle loss data
held by insurers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Passenger Vehicle Loss
5 Disclosure Act”.

6 **SEC. 2. DISCLOSURE OF TOTAL LOSS DATA.**

7 (a) IN GENERAL.—Section 32303 of title 49, United
8 States Code, is amended by adding at the end thereof the
9 following:

10 “(d) DISCLOSURE OF LOSS DATA FOR PASSENGER
11 MOTOR VEHICLES.—

1 “(1) SPECIFIC TOTAL LOSS DATA TO BE DIS-
2 CLOSED.—The Secretary of Transportation shall by
3 regulation require all insurers and self-insurers of
4 passenger motor vehicles to disclose to the public in
5 a commercially reasonable, electronically accessible
6 manner the following information for every pas-
7 senger motor vehicle described in paragraph (3) that
8 has been declared a total loss by such an insurer or
9 determined to be a total loss by such a self-insurer:

10 “(A) The vehicle identification number of
11 the vehicle.

12 “(B) The date of declaration or determina-
13 tion of the total loss.

14 “(C) The odometer reading on the date of
15 the declaration or determination of total loss.

16 “(D) A statement as to whether the pri-
17 mary reason for the declaration or determina-
18 tion of total loss is—

19 “(i) flood or water damage;

20 “(ii) collision or fire damage;

21 “(iii) stolen and recovered; or

22 “(iv) some other reason.

23 “(E) A statement as to whether, as a re-
24 sult of the incident that prompted the declara-

1 tion or determination of total loss, one or more
2 airbags were deployed.

3 “(2) WHEN DISCLOSED.—The Secretary shall
4 require the disclosure to be made no later than—

5 “(A) when the insurer terminates coverage
6 on the vehicle due to its total loss; or

7 “(B) when the self-insurer determines the
8 vehicle to be a total loss.

9 “(3) VEHICLES TO WHICH DISCLOSURE RE-
10 QUIREMENT APPLIES.—

11 “(A) INSURERS.—Paragraph (1) applies to
12 an insurer’s declaration of total loss for any
13 passenger motor vehicle—

14 “(i) which the insurer obtains from an
15 insured pursuant to a settlement resulting
16 in the termination of the insurer’s current
17 coverage for that vehicle;

18 “(ii) which the insurer permits the in-
19 sured to retain pursuant to a settlement
20 resulting in the termination of insurer’s
21 current coverage for that vehicle; and

22 “(iii) if not described in clause (i) or
23 (ii), for which the insurer terminates cov-
24 erage following the theft of, damage to, or

1 other circumstances that adversely affect
2 the fair market value of that vehicle.

3 “(B) SELF-INSURERS.—Paragraph (1) ap-
4 plies to a self-insurer’s determination of total
5 loss for any passenger motor vehicle that the
6 self-insurer determines has sustained sufficient
7 damage to be a total loss.

8 “(4) APPLICATION WITH STATE LAWS.—The
9 disclosure required by this subsection applies with-
10 out regard to whether—

11 “(A) the insurer or self-insurer obtains a
12 certificate of title for the passenger motor vehi-
13 cle under State motor vehicle titling law;

14 “(B) the insurer or self-insurer obtains a
15 branded certificate of title for a passenger
16 motor vehicle under State motor vehicle titling
17 law to connote the type of damage or condition
18 conveyed by the disclosure of total loss data;

19 “(C) the insurer or self-insurer files any
20 other notification with a State motor vehicle ti-
21 tling agency with respect to the passenger
22 motor vehicle; or

23 “(D) the insurer or self-insurer disposes of
24 or receives proceeds from the disposition of a
25 passenger motor vehicle upon termination of

1 coverage following the theft of, damage to, or
2 other circumstances that adversely affect the
3 fair market value of that vehicle.

4 “(5) USE OF PRIVATE SECTOR RESOURCES.—

5 The Secretary shall rely on the private sector to col-
6 lect, aggregate, and disclose to the public the data
7 required to be disclosed under this subsection. The
8 Secretary shall, however, ensure that all total loss
9 data required to be disclosed under this subsection
10 is accessible by vehicle identification number.

11 “(6) LIABILITY PROTECTION FOR PUBLIC DIS-

12 CLOSURE.—Any person performing any activity re-
13 lated to the public disclosure of the data under this
14 subsection in good faith and with the reasonable be-
15 lief that such activity was in accordance with this
16 subsection shall be immune from any civil action re-
17 specting such activity seeking money damages or eq-
18 uitable relief in any court of the United States or of
19 a State.

20 “(7) DEFINITIONS.—In this subsection:

21 “(A) PASSENGER MOTOR VEHICLE.—The
22 term ‘passenger motor vehicle’ means a motor
23 vehicle with motive power designed for carrying
24 10 or fewer persons, including multipurpose

1 passenger vehicles, light trucks and motor-
2 cycles, but not including trailers.

3 “(B) SELF-INSURER.—The term ‘self-in-
4 surer’ means a person that retains all or part
5 of the risk of loss with respect to passenger
6 motor vehicles it owns instead of using an in-
7 surer.”.

8 (b) REGULATIONS.—The Secretary of Transportation
9 shall promulgate the regulations required by section
10 32303(d) of title 49, United States Code, within 1 year
11 after the date of enactment of this Act.

○