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

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A BILL

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

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Passenger Vehicle Loss Disclosure Act''.

SEC. 2. DISCLOSURE OF TOTAL LOSS DATA.

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

''(d) DISCLOSURE OF LOSS DATA FOR PASSENGER MOTOR VEHICLES.—

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

''(A) The vehicle identification number of the vehicle.

''(B) The date of declaration or determination of the total loss.

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

''(D) A statement as to whether the primary reason for the declaration or determination of total loss is—

''(i) flood or water damage;

''(ii) collision or fire damage;

''(iii) stolen and recovered; or

''(iv) some other reason.

''(E) A statement as to whether, as a result of the incident that prompted the declara-

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

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

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

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

''(3) VEHICLES TO WHICH DISCLOSURE REQUIREMENT APPLIES.—

''(A) INSURERS.—Paragraph (1) applies to an insurer's declaration of total loss for any passenger motor vehicle—

''(i) which the insurer obtains from an insured pursuant to a settlement resulting in the termination of the insurer's current coverage for that vehicle;

''(ii) which the insurer permits the insured to retain pursuant to a settlement resulting in the termination of insurer's current coverage for that vehicle; and

''(iii) if not described in clause (i) or (ii), for which the insurer terminates coverage following the theft of, damage to, or

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

''(B) SELF-INSURERS.—Paragraph (1) applies to a self-insurer's determination of total loss for any passenger motor vehicle that the self-insurer determines has sustained sufficient damage to be a total loss.

''(4) APPLICATION WITH STATE LAWS.—The disclosure required by this subsection applies without regard to whether—

''(A) the insurer or self-insurer obtains a certificate of title for the passenger motor vehicle under State motor vehicle titling law;

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

''(C) the insurer or self-insurer files any other notification with a State motor vehicle titling agency with respect to the passenger motor vehicle; or

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

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

''(5) USE OF PRIVATE SECTOR RESOURCES.—The Secretary shall rely on the private sector to collect, aggregate, and disclose to the public the data required to be disclosed under this subsection. The Secretary shall, however, ensure that all total loss data required to be disclosed under this subsection is accessible by vehicle identification number.

''(6) LIABILITY PROTECTION FOR PUBLIC DISCLOSURE.—Any person performing any activity related to the public disclosure of the data under this subsection in good faith and with the reasonable belief that such activity was in accordance with this subsection shall be immune from any civil action respecting such activity seeking money damages or equitable relief in any court of the United States or of a State.

''(7) DEFINITIONS.—In this subsection:

''(A) PASSENGER MOTOR VEHICLE.—The term 'passenger motor vehicle' means a motor vehicle with motive power designed for carrying 10 or fewer persons, including multipurpose

passenger vehicles, light trucks and motorcycles, but not including trailers.

''(B) SELF-INSURER.—The term 'self-insurer' means a person that retains all or part of the risk of loss with respect to passenger motor vehicles it owns instead of using an insurer.''.

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

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