



General Assembly

**Substitute Bill No. 477**

January Session, 2001

**AN ACT CONCERNING INSURANCE SETTLEMENTS FOR TOTAL LOSS VEHICLES.**

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 38a-353 of the general statutes is repealed and the following  
2 is substituted in lieu thereof:

3 (a) Whenever [any] a damaged motor vehicle covered under an  
4 automobile insurance policy has been declared to be a constructive  
5 total loss by the insurer, the insurer shall, in calculating the value of  
6 such vehicle for purposes of determining the settlement amount to be  
7 paid to the claimant, use at least the average of the retail values given  
8 such vehicle by (1) the National Automobile Dealers Association used  
9 car guide, and (2) one other automobile industry source which has  
10 been approved for such use by the Insurance Commissioner. For  
11 purposes of this section, "constructive total loss" means the cost to  
12 repair or salvage damaged property, or the cost to both repair and  
13 salvage such property, equals or exceeds the total value of the property  
14 at the time of loss.

15 (b) Whenever a damaged motor vehicle covered under an  
16 automobile insurance policy has been declared to be a constructive  
17 total loss by the insurer and the vehicle is in the possession of a  
18 licensed dealer or repairer, the insurer shall pay any charges,  
19 including, but not limited to, storage and authorized repair charges,

20 that accrue until (1) the insurer removes the vehicle from the premises  
21 of the dealer or repairer, or (2) the insurer attempts to remove the  
22 vehicle during regular business hours but is prevented from removing  
23 the vehicle by the dealer or repairer.

**INS**      *JOINT FAVORABLE SUBST.*