



**STATE OF NEW YORK
INSURANCE DEPARTMENT
25 BEAVER STREET
NEW YORK, NEW YORK 10004**

**Circular Letter No. 29 (1999)
October 21, 1999**

**TO: ALL INSURERS AUTHORIZED TO WRITE MOTOR VEHICLE INSURANCE COVERAGE IN NEW YORK STATE
SUBJECT: TITLE BRANDING - EIGHTH AMENDMENT TO REGULATION 64**

This is to advise that the Insurance Department has promulgated the [8th Amendment to Insurance Department Regulation 64](#), effective September 15, 1999. This amendment requires insurers to secure the motor vehicle's title document where damage to the vehicle exceeds 75% of the vehicle's actual cash value and the insured is permitted to retain the vehicle. Under these circumstances the insurer may withhold the entire claim payment, but must withhold at least fifty percent of the claim payment until title is secured. The insurer is then required to forward the title to the Department of Motor Vehicles (DMV), which will brand the title as "REBUILT SALVAGE".

This amendment is applicable to first-party motor vehicle physical damage claims on vehicles that are 8 model years or newer and is intended to assist the DMV in its implementation of Chapter 360 of the Laws of 1997. Although insurers are not required to secure title on third-party property damage claims, they are encouraged to advise claimants of the title branding requirement during the claims adjustment process. If the vehicle is subject to the DMV's title branding requirements, it is the owner's responsibility to have the title branded. Failure to do so may result in the owner being subject to civil penalties up to \$2,000 pursuant to Section 429 of the Vehicle and Traffic Law.

A copy of the amendment is attached. Questions regarding the DMV's Title Branding requirements should be directed to TITLE SERVICES at 518-486-4714. Receipt of this Circular Letter must be acknowledged by the Senior Claims Officer no later than November 15, 1999 to Ms. Hoda Nairooz, Senior Examiner, Property Bureau 2nd Floor, New York State Insurance Department, 25 Beaver Street, New York, NY 10004 (Phone 212-480-5662).

Very truly yours,

Mark Presser
Assistant Deputy Superintendent &
Bureau Chief
Property Bureau