

HOUSE AMENDMENT NO. ____

TO

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Offered By

1 AMEND House Amendment No. ____ to House Committee Substitute for Senate Bill No. 0568
2 Page 5, Line 26, by deleting all of said line and inserting in lieu there of the following:

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4 “to obtain a vehicle examination certificate issued by the Missouri state highway patrol.

5 301.193. 1. Any person who purchases or is the owner of real property on which vehicles,
6 as defined in section [301.011] 301.010, vessels or watercraft, as defined in section 306.010, or
7 outboard motors, as that term is used in section 306.530, have been abandoned, without the
8 consent of said purchaser or owner of the real property, may apply to the department of revenue
9 for a certificate of title. [Any insurer which purchases a vehicle through the claims adjustment
10 process for which the insurer is unable to obtain a negotiable title may make an application to the
11 department of revenue for a salvage certificate of title pursuant to this section.] Prior to making
12 application for a certificate of title on a vehicle under this section, the [insurer or] owner of the
13 real estate shall have the vehicle inspected by law enforcement pursuant to subsection 9 of section
14 301.190, and shall have law enforcement perform a check in the national crime information center
15 and any appropriate statewide law enforcement computer to determine if the vehicle has been
16 reported stolen and the name and address of the person to whom the vehicle was last titled and
17 any lienholders of record. The [insurer or] owner or purchaser of the real estate shall, thirty days
18 prior to making application for title, notify any owners or lienholders of record for the vehicle by
19 certified mail that the owner intends to apply for a certificate of title from the director for the

Action Taken _____ Date _____ 1

1 abandoned vehicle. The application for title shall be accompanied by:

2 (1) A statement explaining the circumstances by which the property came into the
3 [insurer,] owner or purchaser's possession; a description of the property including the year, make,
4 model, vehicle identification number and any decal or license plate that may be affixed to the
5 vehicle; the current location of the property; and the retail value of the property;

6 (2) An inspection report of the property, if it is a vehicle, by a law enforcement agency
7 pursuant to subsection 9 of section 301.190; and

8 (3) A copy of the thirty-day notice and certified mail receipt mailed to any owner and any
9 person holding a valid security interest of record.

10 2. Upon receipt of the application and supporting documents, the director shall search the
11 records of the department of revenue, or initiate an inquiry with another state, if the evidence
12 presented indicated the property described in the application was registered or titled in another
13 state, to verify the name and address of any owners and any lienholders. If the latest owner or
14 lienholder was not notified the director shall inform the [insurer,] owner[,] or purchaser of the real
15 estate of the latest owner and lienholder information so that notice may be given as required by
16 subsection 1 of this section. Any owner or lienholder receiving notification may protest the
17 issuance of title by, within the thirty-day notice period and may file a petition to recover the
18 vehicle, naming the [insurer or] owner of the real estate and serving a copy of the petition on the
19 director of revenue. The director shall not be a party to such petition but shall, upon receipt of the
20 petition, suspend the processing of any further certificate of title until the rights of all parties to
21 the vehicle are determined by the court. Once all requirements are satisfied the director shall issue
22 one of the following:

23 (1) An original certificate of title if the vehicle examination certificate, as provided in
24 section 301.190, indicates that the vehicle was not previously in a salvaged condition or rebuilt;

25 (2) An original certificate of title designated as prior salvage if the vehicle examination
26 certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged

1 condition or rebuilt;

2 (3) A salvage certificate of title designated with the words "salvage/abandoned property"
3 or junking certificate based on the condition of the property as stated in the inspection report. [An
4 insurer purchasing a vehicle through the claims adjustment process under this section shall only
5 be eligible to obtain a salvage certificate of title or junking certificate.]

6 3. Any insurer which purchases a vehicle, other than a vehicle described in subsection 1
7 of this section, through the claims adjustment process for which the insurer is unable to obtain a
8 negotiable title may make application to the department of revenue for a salvage certificate of title
9 or junking certificate. Such application may be made by the insurer or its designated salvage pool
10 on a form provided by the department and signed under penalty of perjury. The application shall
11 include a declaration that the insurer has made at least two written attempts to obtain the
12 certificate of ownership, transfer documents, or other acceptable evidence of title, and be
13 accompanied by proof of claims payment from the insurer, evidence that letters were delivered to
14 the vehicle owner, a statement explaining the circumstances by which the property came into the
15 insurer's possession, a description of the property including the year, make, model, vehicle
16 identification number, and current location of the property, and the fee prescribed in subsection 5
17 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any
18 owners or lienholders of record for the vehicle that the owner intends to apply for a certificate of
19 title from the director for the vehicle. Upon receipt of the application and supporting documents,
20 the director shall search the records of the department of revenue, or initiate an inquiry with
21 another state, if the evidence presented indicated the vehicle described in the application was
22 registered or titled in another state, to verify the name and address of any owners and any
23 lienholders. After thirty days from receipt of the application, if no valid lienholders have notified
24 the department of the existence of a lien, the department shall issue a salvage certificate of title or
25 junking certificate for the vehicle in the name of the insurer.”; and”; and
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- 2 Further amend said bill by amending the title, enacting clause, and intersectional references
- 3 accordingly.