

FIRST REGULAR SESSION

[PERFECTED]

# HOUSE BILL NO. 429

97TH GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE SCHATZ.

1345H.01P

D. ADAM CRUMBLISS, Chief Clerk

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## AN ACT

To repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the issuance of salvage motor vehicle titles.

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*Be it enacted by the General Assembly of the state of Missouri, as follows:*

Section A. Section 301.193, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.193, to read as follows:

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

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

15 for the vehicle by certified mail that the owner intends to apply for a certificate of title from the  
16 director for the abandoned vehicle. The application for title shall be accompanied by:

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

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

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

25 2. Upon receipt of the application and supporting documents, the director shall search  
26 the records of the department of revenue, or initiate an inquiry with another state, if the evidence  
27 presented indicated the property described in the application was registered or titled in another  
28 state, to verify the name and address of any owners and any lienholders. If the latest owner or  
29 lienholder was not notified the director shall inform the insurer, owner, or purchaser of the real  
30 estate of the latest owner and lienholder information so that notice may be given as required by  
31 subsection 1 of this section. Any owner or lienholder receiving notification may protest the  
32 issuance of title by, within the thirty-day notice period and may file a petition to recover the  
33 vehicle, naming the insurer or owner of the real estate and serving a copy of the petition on the  
34 director of revenue. The director shall not be a party to such petition but shall, upon receipt of  
35 the petition, suspend the processing of any further certificate of title until the rights of all parties  
36 to the vehicle are determined by the court. Once all requirements are satisfied the director shall  
37 issue one of the following:

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

40 (2) An original certificate of title designated as prior salvage if the vehicle examination  
41 certificate as provided in section 301.190 indicates the vehicle was previously in a salvaged  
42 condition or rebuilt;

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

47 3. Any insurer which purchases a vehicle that is currently titled in Missouri through the  
48 claims adjustment process for which the insurer is unable to obtain a negotiable title may make  
49 application to the department of revenue for a salvage certificate of title or junking certificate.  
50 Such application may be made by the insurer or its designated salvage pool on a form provided

51 by the department and signed under penalty of perjury. The application shall include a  
52 declaration that the insurer has made at least two written attempts to obtain the certificate of title,  
53 transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims  
54 payment from the insurer, evidence that letters were [delivered] **sent** to the vehicle owner, a  
55 statement explaining the circumstances by which the property came into the insurer's possession,  
56 a description of the property including the year, make, model, vehicle identification number, and  
57 current location of the property, and the fee prescribed in subsection 5 of section 301.190. The  
58 insurer shall, thirty days prior to making application for title, notify any owners or lienholders  
59 of record for the vehicle that the insurer intends to apply for a certificate of title from the director  
60 for the vehicle. Upon receipt of the application and supporting documents, the director shall  
61 search the records of the department of revenue to verify the name and address of any owners  
62 and any lienholders. [After thirty days from receipt of the application,] **If the director identifies**  
63 **any additional owner or lienholder who has not been notified by the insurer, the director**  
64 **shall inform the insurer of such additional owner or lienholder and the insurer shall notify**  
65 **the additional owner or lienholder of the insurer's intent to obtain title as prescribed in this**  
66 **section.** If no valid lienholders have notified the department of the existence of a lien, the  
67 department shall issue a salvage certificate of title or junking certificate for the vehicle in the  
68 name of the insurer.

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