

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Substitute for Senate Bill No. 600, Page 48,
2 Section 270.400, Line 57, by inserting after all of said line the following:
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4 "301.193. 1. Any person who purchases or is the owner of real property on which vehicles,
5 as defined in section 301.010, vessels or watercraft, as defined in section 306.010, or outboard
6 motors, as that term is used in section 306.530, have been abandoned, without the consent of said
7 purchaser or owner of the real property, may apply to the department of revenue for a certificate of
8 title. Any insurer which purchases a vehicle through the claims adjustment process for which the
9 insurer is unable to obtain a negotiable title may make an application to the department of revenue
10 for a salvage certificate of title pursuant to this section. Prior to making application for a certificate
11 of title on a vehicle under this section, the insurer or owner of the real estate shall have the vehicle
12 inspected by law enforcement pursuant to subsection 9 of section 301.190, and shall have law
13 enforcement perform a check in the national crime information center and any appropriate statewide
14 law enforcement computer to determine if the vehicle has been reported stolen and the name and
15 address of the person to whom the vehicle was last titled and any lienholders of record. The insurer
16 or owner or purchaser of the real estate shall, thirty days prior to making application for title, notify
17 any owners or lienholders of record for the vehicle by certified mail that the owner intends to apply
18 for a certificate of title from the director for the abandoned vehicle. The application for title shall be
19 accompanied by:

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

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

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

28 2. Upon receipt of the application and supporting documents, the director shall search the
29 records of the department of revenue, or initiate an inquiry with another state, if the evidence
30 presented indicated the property described in the application was registered or titled in another state,
31 to verify the name and address of any owners and any lienholders. If the latest owner or lienholder
32 was not notified the director shall inform the insurer, owner, or purchaser of the real estate of the
33 latest owner and lienholder information so that notice may be given as required by subsection 1 of
34 this section. Any owner or lienholder receiving notification may protest the issuance of title by,
35 within the thirty-day of forty-five day notice period, as applicable, and may file a petition to recover
36 the vehicle, naming the insurer described in subsection 1, 3, or 6 of this section, as applicable; a

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1 salvage pool described in subsection 4 of this section; a used motor vehicle dealer described in
2 subsection 5 of this section; or the owner of the real estate and serving a copy of the petition on the
3 director of revenue. The director shall not be a party to such petition but shall, upon receipt of the
4 petition, suspend the processing of any further certificate of title until the rights of all parties to the
5 vehicle are determined by the court. Once all requirements are satisfied the director shall issue one
6 of the following:

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

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

12 (3) A salvage certificate of title designated with the words "salvage/abandoned property" or
13 junking certificate based on the condition of the property as stated in the inspection report. An
14 insurer purchasing a vehicle through the claims adjustment process under this section shall only be
15 eligible to obtain a salvage certificate of title or junking certificate. A salvage pool described in
16 subsection 4 of this section or a used motor vehicle dealer described in subsection 5 of this section
17 shall only be eligible to obtain a salvage certificate of title or junking certificate.

18 3. Any insurer which purchases a vehicle that is currently titled in Missouri through the
19 claims adjustment process for which the insurer is unable to obtain a negotiable title may make
20 application to the department of revenue for a salvage certificate of title or junking certificate. Such
21 application may be made by the insurer or its designated salvage pool on a form provided by the
22 department and signed under penalty of perjury. The application shall include a declaration that the
23 insurer has made at least two written attempts to obtain the certificate of title, transfer documents, or
24 other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer,
25 evidence that letters were sent to the vehicle owner, a statement explaining the circumstances by
26 which the property came into the insurer's possession, a description of the property including the
27 year, make, model, vehicle identification number, and current location of the property, and the fee
28 prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making
29 application for title, notify any owners or lienholders of record for the vehicle that the insurer
30 intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the
31 application and supporting documents, the director shall search the records of the department of
32 revenue to verify the name and address of any owners and any lienholders. If the director identifies
33 any additional owner or lienholder who has not been notified by the insurer, the director shall inform
34 the insurer of such additional owner or lienholder and the insurer shall notify the additional owner or
35 lienholder of the insurer's intent to obtain title as prescribed in this section. If no valid lienholders
36 have notified the department of the existence of a lien, the department shall issue a salvage
37 certificate of title or junking certificate for the vehicle in the name of the insurer.

38 4. Any salvage pool that takes possession of a vehicle at the request of an insurer when the
39 insurer does not purchase the vehicle through the claims adjustment process may apply to the
40 department for a salvage certificate of title or junking certificate in the name of the salvage pool if
41 the vehicle has remained unclaimed on the salvage pool's premises for more than forty-five days.
42 The salvage pool shall, forty-five days prior to making application for title, notify any owners or
43 lienholders of record for the vehicle that the salvage pool intends to apply to the director for a
44 certificate of title for the vehicle unless the owner or lienholder removes the vehicle from the
45 salvage pool's premises within the forty-five days. The application for title shall be on a form
46 provided by the department, signed under penalty of perjury, and shall be accompanied by:

47 (1) A statement explaining the circumstances by which the vehicle came into the salvage
48 pool's possession; a description of the vehicle including the year, make, model, and vehicle
49 identification number; the current location of the property; and the fee prescribed in subsection 5 of

1 section 301.190;

2 (2) A copy of the forty-five-day notice and certified mail receipt mailed, or proof that the
3 request was delivered by a nationally recognized courier service, to any owner and any person
4 holding a valid security interest of record; and

5 (3) If the vehicle is not currently titled in Missouri, an inspection report of the vehicle by a
6 law enforcement agency pursuant to subsection 9 of section 301.190.

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8 Upon receipt of the application and supporting documents, the director shall search the records of
9 the department, or initiate an inquiry with another state if the evidence presented indicated the
10 property described in the application was registered or titled in another state, to verify the name and
11 address of any owners and any lienholders. If the director identifies any additional owner or
12 lienholder who has not been notified by the salvage pool, the director shall inform the salvage pool
13 of such additional owner or lienholder and the salvage pool shall notify the additional owner or
14 lienholder of the salvage pool's intent to obtain title as prescribed in this section. If no valid
15 lienholders have notified the department of the existence of a lien, the department shall issue a
16 salvage certificate of title or junking certificate for the vehicle in the name of the salvage pool.

17 5. Any used motor vehicle dealer that takes possession of a vehicle at the request of an
18 organization exempt from federal income taxation under Section 501(c)(3) of the Internal Revenue
19 Code when such organization does not provide the used motor vehicle dealer with a negotiable title
20 may apply to the department of revenue for a salvage certificate of title or junking certificate in the
21 name of the used motor vehicle dealer if the vehicle has remained unclaimed on the used motor
22 vehicle dealer's premises for more than forty-five days. The used motor vehicle dealer shall, forty-
23 five days prior to making application for title, notify any owners or lienholders of record for the
24 vehicle that the used motor vehicle dealer intends to apply for a certificate of title from the director
25 for the vehicle unless the owner or lienholder removes the vehicle from the salvage pool's premises
26 within the forty-five days. The application for title shall be on a form provided by the department,
27 signed under penalty of perjury, and shall be accompanied by:

28 (1) A statement explaining the circumstances by which the vehicle came into the used motor
29 vehicle dealer's possession; a description of the vehicle including the year, make, model, and vehicle
30 identification number; the current location of the property; and the fee prescribed in subsection 5 of
31 section 301.190;

32 (2) A copy of the forty-five-day notice and certified mail receipt mailed, or proof that the
33 request was delivered by a nationally recognized courier service, to any owner and any person
34 holding a valid security interest of record; and

35 (3) If the vehicle is not currently titled in Missouri, an inspection report of the vehicle by a
36 law enforcement agency pursuant to subsection 9 of section 301.190.

37
38 Upon receipt of the application and supporting documents, the director shall search the records of
39 the department, or initiate an inquiry with another state if the evidence presented indicated the
40 property described in the application was registered or titled in another state, to verify the name and
41 address of any owners and any lienholders. If the director identifies any additional owner or
42 lienholder who has not been notified by the used motor vehicle dealer, the director shall inform the
43 used motor vehicle dealer of such additional owner or lienholder and the used motor vehicle dealer
44 shall notify the additional owner or lienholder of the used motor vehicle dealer's intent to obtain title
45 as prescribed in this section. If no valid lienholders have notified the department of the existence of
46 a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in
47 the name of the used motor vehicle dealer.

48 6. Any insurer that purchases a vessel or watercraft that is currently titled in Missouri
49 through the claims adjustment process and for which the insurer is unable to obtain a negotiable title

1 may make application to the department for a certificate of title. Such application may be made by
2 the insurer or its designated salvage pool on a form provided by the department and signed under
3 penalty of perjury. The application shall include a declaration that the insurer has made at least two
4 written attempts to obtain the certificate of title, transfer documents, or other acceptable evidence of
5 title and be accompanied by proof of claims payment from the insurer; evidence that letters were
6 sent to the vessel or watercraft owner; a statement explaining the circumstances by which the
7 property came into the insurer's possession; a description of the property including the year, make,
8 and hull identification number; the current location of the property; and the fee prescribed in
9 subsection 3 of section 306.015. The insurer shall, thirty days prior to making application for title,
10 notify any owners or lienholders of record for the vessel or watercraft that the insurer intends to
11 apply to the director for a certificate of title for the vessel or watercraft. Upon receipt of the
12 application and supporting documents, the director shall search the records of the department of
13 revenue to verify the name and address of any owners and any lienholders. If the director identifies
14 any additional owner or lienholder who has not been notified by the insurer, the director shall inform
15 the insurer of such additional owner or lienholder and the insurer shall notify the additional owner or
16 lienholder of the insurer's intent to obtain title as prescribed in this section. If no valid lienholders
17 have notified the department of the existence of a lien, the department shall issue a certificate of title
18 for the vessel or watercraft in the name of the insurer."; and

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20 Further amend said bill by amending the title, enacting clause, and intersectional references
21 accordingly.