

House _____ Amendment NO. _____

Offered By

1 AMEND House Committee Substitute for Senate Bill No. 774, Page 51, Section 270.400, Line 57,
2 by inserting after all of said section and 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 or 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 or salvage dealer and dismantler described in subsection 4 of this section; a used motor
2 vehicle dealer described in subsection 5 of this section; or the owner of the real estate and serving a
3 copy of the petition on the director of revenue. The director shall not be a party to such petition but
4 shall, upon receipt of the petition, suspend the processing of any further certificate of title until the
5 rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied
6 the director shall issue one 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 or salvage dealer
16 or dismantler described in subsection 4 of this section or a used motor vehicle dealer described in
17 subsection 5 of this section shall only be eligible to obtain a salvage certificate of title or junking
18 certificate.

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

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

1 (1) A statement explaining the circumstances by which the vehicle came into the salvage
 2 pool or salvage dealer or dismantler's possession; a description of the vehicle including the year,
 3 make, model, and vehicle identification number; the current location of the property; and the fee
 4 prescribed in subsection 5 of section 301.190;

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

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

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

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

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

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

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

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 43 Upon receipt of the application and supporting documents, the director shall search the records of
 44 the department, or initiate an inquiry with another state if the evidence presented indicated the
 45 property described in the application was registered or titled in another state, to verify the name and
 46 address of any owners and any lienholders. If the director identifies any additional owner or
 47 lienholder who has not been notified by the used motor vehicle dealer, the director shall inform the
 48 used motor vehicle dealer of such additional owner or lienholder and the used motor vehicle dealer
 49 shall notify the additional owner or lienholder of the used motor vehicle dealer's intent to obtain title

1 as prescribed in this section. If no valid lienholders have notified the department of the existence of
2 a lien, the department shall issue a salvage certificate of title or junking certificate for the vehicle in
3 the name of the used motor vehicle dealer.

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

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