

FIRST REGULAR SESSION

SENATE BILL NO. 148

97TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time January 16, 2013, and ordered printed.

TERRY L. SPIELER, Secretary.

0639S.01I

AN ACT

To repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the issuance of salvage certificate of titles or junking certificates to insurance companies.

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Section A. Section 301.193, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.193, to read as follows: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 for the vehicle by certified mail that the owner intends to apply for a certificate of title from the

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

19 director for the abandoned vehicle. The application for title shall be accompanied
20 by:

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

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

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

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

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

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

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

55 to obtain a salvage certificate of title or junking certificate.

56 3. Any insurer which purchases a vehicle that is currently titled in
57 Missouri through the claims adjustment process for which the insurer is unable
58 to obtain a negotiable title may make application to the department of revenue
59 for a salvage certificate of title or junking certificate. Such application may be
60 made by the insurer or its designated salvage pool on a form provided by the
61 department and signed under penalty of perjury. The application shall include
62 a declaration that the insurer has made at least two written attempts to obtain
63 the certificate of title, transfer documents, or other acceptable evidence of title,
64 and be accompanied by proof of claims payment from the insurer, evidence that
65 letters were [delivered] **sent** to the vehicle owner, a statement explaining the
66 circumstances by which the property came into the insurer's possession, a
67 description of the property including the year, make, model, vehicle identification
68 number, and current location of the property, and the fee prescribed in subsection
69 5 of section 301.190. The insurer shall, thirty days prior to making application
70 for title, notify any owners or lienholders of record for the vehicle that the insurer
71 intends to apply for a certificate of title from the director for the vehicle. Upon
72 receipt of the application and supporting documents, the director shall search the
73 records of the department of revenue to verify the name and address of any
74 owners and any lienholders. [After thirty days from receipt of the application,]
75 **If the director identifies any additional owner or lienholder who has**
76 **not been notified by the insurer, the director shall inform the insurer**
77 **of such additional owner or lienholder and the insurer shall notify the**
78 **additional owner or lienholder of the insured's intent to obtain title as**
79 **prescribed in this section.** If no valid lienholders have notified the
80 department of the existence of a lien, the department shall issue a salvage
81 certificate of title or junking certificate for the vehicle in the name of the insurer.

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