

FIRST REGULAR SESSION

# HOUSE BILL NO. 912

91ST GENERAL ASSEMBLY

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INTRODUCED BY REPRESENTATIVE NORDWALD.

Read 1<sup>st</sup> time March 1, 2001, and 1000 copies ordered printed.

TED WEDEL, Chief Clerk

2167L.011

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## AN ACT

To amend chapter 301, RSMo, by adding thereto one new section relating to the titling of certain property abandoned on privately owned real estate.

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

Section A. Chapter 301, RSMo, is amended by adding thereto one new section, to be  
2 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  
2 vehicles, as defined in section 301.011, vessels or watercraft, as defined in section 306.010,  
3 RSMo, or outboard motors, as that term is used in section 306.530, RSMo, have been  
4 abandoned, without the consent of said purchaser or owner of the real property, may apply  
5 to the department of revenue for a certificate of title. Prior to making application for a  
6 certificate of title the owner of the real estate shall have the vehicle inspected by law  
7 enforcement pursuant to subsection 9 of section 301.190, and shall have law enforcement  
8 perform a check in the national crime information center and any appropriate statewide  
9 law enforcement computer to determine if the vehicle has been reported stolen and the  
10 name and address of the person to whom the vehicle was last titled and any lienholders of  
11 record. The owner or purchaser of the real estate shall, thirty days prior to making  
12 application for title, notify any owners or lienholders of record for the vehicle by certified  
13 mail that the owner intends to apply for a certificate of title from the director for the  
14 abandoned vehicle. The application for title shall be accompanied by:**

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

19 **and the retail value of the abandoned property;**

20 **(2) An inspection report of the abandoned property by a law enforcement agency**  
21 **pursuant to subsection 9 of section 301.190; and**

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

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

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

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

43 **(3) A salvage certificate of title designated with the words "salvage/abandoned**  
44 **property" or junking certificate based on the condition of the abandoned property as**  
45 **stated in the inspection report.**