

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

AMEND House Committee Substitute for Senate Committee Substitute for Senate Bill No. 673,  
Page 17, Section 301.160, Line 6 by inserting after said line the following:

“301.193. 1. Any person who purchases or is the owner of real property on which  
vehicles, as defined in section [301.011] 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  
director for the abandoned vehicle. The application for title shall be accompanied by:

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

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

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

2. Upon receipt of the application and supporting documents, the director shall search the  
records of the department of revenue, or initiate an inquiry with another state, if the evidence

presented indicated the property described in the application was registered or titled in another state, to verify the name and address of any owners and any lienholders. If the latest owner or lienholder was not notified the director shall inform the [insurer,] owner[, or purchaser of the real estate of the latest owner and lienholder information so that notice may be given as required by subsection 1 of this section. Any owner or lienholder receiving notification may protest the issuance of title by, within the thirty-day notice period and may file a petition to recover the vehicle, naming the [insurer or] owner of the real estate and serving a copy of the petition on the director of revenue. The director shall not be a party to such petition but shall, upon receipt of the petition, suspend the processing of any further certificate of title until the rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied the director shall issue one of the following:

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

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

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

3. Any insurer which purchases a vehicle, other than a vehicle described in subsection 1 of this section, through the claims adjustment process for which the insurer is unable to obtain a negotiable title may make application to the department of revenue for a salvage certificate of title or junking certificate. Such application may be made by the insurer or its designated salvage pool on a form provided by the department and signed under penalty of perjury. The application shall include a declaration that the insurer has made at least two written attempts to obtain the certificate of ownership, transfer documents, or other acceptable evidence of title, and be accompanied by proof of claims payment from the insurer, evidence that letters were delivered to the vehicle owner, a statement explaining the circumstances by which the property came into the insurer's possession, a description of the property including the year, make, model, vehicle identification number, and current location of the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty days prior to making application for title, notify any owners or lienholders of record for the vehicle that the owner intends to apply for a certificate of title from the director for the vehicle. Upon receipt of the application and supporting documents, the director shall search the records of the department of revenue, or initiate an inquiry with another state, if the evidence presented indicated the vehicle described in the application was

1 registered or titled in another state, to verify the name and address of any owners and any  
2 lienholders. After thirty days from receipt of the application, if no valid lienholders have notified  
3 the department of the existence of a lien, the department shall issue a salvage certificate of title or  
4 junking certificate for the vehicle in the name of the insurer.”; and

5  
6 Further amend said bill by amending the title, enacting clause, and intersectional references  
7 accordingly.