

SECOND REGULAR SESSION

[PERFECTED]

HOUSE COMMITTEE SUBSTITUTE FOR

HOUSE BILL NO. 1875

96TH GENERAL ASSEMBLY

6049H.02P

D. ADAM CRUMBLISS, Chief Clerk

AN ACT

To repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to vehicles purchased by insurers through the claims adjustment process.

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Section A. Section 301.193, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.193, to read as follows: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 [301.011] **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:

EXPLANATION — Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted from the law. Matter in **bold-face** type in the above bill is proposed language.

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

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

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

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

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

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

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

47 **3. Any insurer which purchases a vehicle, other than a vehicle described in**
48 **subsection 1 of this section, through the claims adjustment process for which the insurer**
49 **is unable to obtain a negotiable title may make application to the department of revenue**
50 **for a salvage certificate of title or junking certificate. Such application may be made by**
51 **the insurer or its designated salvage pool on a form provided by the department and signed**
52 **under penalty of perjury. The application shall include a declaration that the insurer has**

53 made at least two written attempts to obtain the certificate of ownership, transfer
54 documents, or other acceptable evidence of title, and be accompanied by proof of claims
55 payment from the insurer, evidence that letters were delivered to the vehicle owner, a
56 statement explaining the circumstances by which the property came into the insurer's
57 possession, a description of the property including the year, make, model, vehicle
58 identification number, and current location of the property, and the fee prescribed in
59 subsection 5 of section 301.190. The insurer shall, thirty days prior to making application
60 for title, notify any owners or lienholders of record for the vehicle that the owner intends
61 to apply for a certificate of title from the director for the vehicle. Upon receipt of the
62 application and supporting documents, the director shall search the records of the
63 department of revenue, or initiate an inquiry with another state, if the evidence presented
64 indicated the vehicle described in the application was registered or titled in another state,
65 to verify the name and address of any owners and any lienholders. After thirty days from
66 receipt of the application, if no valid lienholders have notified the department of the
67 existence of a lien, the department shall issue a salvage certificate of title or junking
68 certificate for the vehicle in the name of the insurer.

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