

SECOND REGULAR SESSION

HOUSE BILL NO. 1952

100TH GENERAL ASSEMBLY

INTRODUCED BY REPRESENTATIVE TRENT.

4519H.011

DANA RADEMAN MILLER, Chief Clerk

AN ACT

To repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to abandoned property.

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Section A. Section 301.193, RSMo, is repealed and one new section enacted in lieu thereof, to be known as section 301.193, to read as follows: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 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 real
30 estate of the latest owner and lienholder information so that notice may be given as required by
31 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 **described in subsection 1, 2, or 6 of this section, as applicable;**
34 **a salvage pool described in subsection 4 of this section; a used motor vehicle dealer**
35 **described in subsection 5 of this section; or the** owner of the real estate and serving a copy of
36 the petition on the director of revenue. The director shall not be a party to such petition but shall,
37 upon receipt of the petition, suspend the processing of any further certificate of title until the
38 rights of all parties to the vehicle are determined by the court. Once all requirements are satisfied
39 the director shall issue one of the following:

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

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

45 (3) A salvage certificate of title designated with the words "salvage/abandoned property"
46 or junking certificate based on the condition of the property as stated in the inspection report.
47 An insurer purchasing a vehicle through the claims adjustment process under this section shall
48 only be eligible to obtain a salvage certificate of title or junking certificate. **A salvage pool**
49 **described in subsection 4 of this section or a used motor vehicle dealer described in**
50 **subsection 5 of this section shall only be eligible to obtain a salvage certificate of title or**
51 **junking certificate.**

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

73 **4. Any salvage pool that takes possession of a vehicle at the request of an insurer**
74 **when the insurer does not purchase the vehicle through the claims adjustment process may**
75 **apply to the department for a salvage certificate of title or junking certificate in the name**
76 **of the salvage pool if the vehicle has remained unclaimed on the salvage pool's premises for**
77 **more than thirty days. The salvage pool shall, thirty days prior to making application for**
78 **title, notify any owners or lienholders of record for the vehicle that the salvage pool intends**
79 **to apply to the director for a certificate of title for the vehicle. The application for title**
80 **shall be on a form provided by the department, signed under penalty of perjury, and shall**
81 **be accompanied by:**

82 **(1) A statement explaining the circumstances by which the vehicle came into the**
83 **salvage pool's possession; a description of the vehicle including the year, make, model, and**
84 **vehicle identification number; the current location of the property; and the fee prescribed**
85 **in subsection 5 of section 301.190;**

86 **(2) A copy of the thirty-day notice and certified mail receipt mailed to any owner**
87 **and any person holding a valid security interest of record; and**

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

90

91 **Upon receipt of the application and supporting documents, the director shall search the**
92 **records of the department, or initiate an inquiry with another state if the evidence**
93 **presented indicated the property described in the application was registered or titled in**
94 **another state, to verify the name and address of any owners and any lienholders. If the**
95 **director identifies any additional owner or lienholder who has not been notified by the**
96 **salvage pool, the director shall inform the salvage pool of such additional owner or**
97 **lienholder and the salvage pool shall notify the additional owner or lienholder of the**
98 **salvage pool's intent to obtain title as prescribed in this section. If no valid lienholders**
99 **have notified the department of the existence of a lien, the department shall issue a salvage**
100 **certificate of title or junking certificate for the vehicle in the name of the salvage pool.**

101 **5. Any used motor vehicle dealer that takes possession of a vehicle at the request**
102 **of an organization exempt from federal income taxation under Section 501(c)(3) of the**
103 **Internal Revenue Code when such organization does not provide the used motor vehicle**
104 **dealer with a negotiable title may apply to the department of revenue for a salvage**
105 **certificate of title or junking certificate in the name of the used motor vehicle dealer if the**
106 **vehicle has remained unclaimed on the used motor vehicle dealer's premises for more than**
107 **thirty days. The used motor vehicle dealer shall, thirty days prior to making application**
108 **for title, notify any owners or lienholders of record for the vehicle that the used motor**
109 **vehicle dealer intends to apply for a certificate of title from the director for the vehicle.**
110 **The application for title shall be on a form provided by the department, signed under**
111 **penalty of perjury, and shall be accompanied by:**

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

116 **(2) A copy of the thirty-day notice and certified mail receipt mailed to any owner**
117 **and any person holding a valid security interest of record; and**

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

120

121 **Upon receipt of the application and supporting documents, the director shall search the**
122 **records of the department, or initiate an inquiry with another state if the evidence**
123 **presented indicated the property described in the application was registered or titled in**

124 another state, to verify the name and address of any owners and any lienholders. If the
125 director identifies any additional owner or lienholder who has not been notified by the used
126 motor vehicle dealer, the director shall inform the used motor vehicle dealer of such
127 additional owner or lienholder and the used motor vehicle dealer shall notify the additional
128 owner or lienholder of the used motor vehicle dealer's intent to obtain title as prescribed
129 in this section. If no valid lienholders have notified the department of the existence of a
130 lien, the department shall issue a salvage certificate of title or junking certificate for the
131 vehicle in the name of the used motor vehicle dealer.

132 6. Any insurer that purchases a vessel or watercraft that is currently titled in
133 Missouri through the claims adjustment process and for which the insurer is unable to
134 obtain a negotiable title may make application to the department for a certificate of title.
135 Such application may be made by the insurer or its designated salvage pool on a form
136 provided by the department and signed under penalty of perjury. The application shall
137 include a declaration that the insurer has made at least two written attempts to obtain the
138 certificate of title, transfer documents, or other acceptable evidence of title and be
139 accompanied by proof of claims payment from the insurer; evidence that letters were sent
140 to the vessel or watercraft owner; a statement explaining the circumstances by which the
141 property came into the insurer's possession; a description of the property including the
142 year, make, and hull identification number; the current location of the property; and the
143 fee prescribed in subsection 3 of section 306.015. The insurer shall, thirty days prior to
144 making application for title, notify any owners or lienholders of record for the vessel or
145 watercraft that the insurer intends to apply to the director for a certificate of title for the
146 vessel or watercraft. Upon receipt of the application and supporting documents, the
147 director shall search the records of the department of revenue to verify the name and
148 address of any owners and any lienholders. If the director identifies any additional owner
149 or lienholder who has not been notified by the insurer, the director shall inform the insurer
150 of such additional owner or lienholder and the insurer shall notify the additional owner
151 or lienholder of the insurer's intent to obtain title as prescribed in this section. If no valid
152 lienholders have notified the department of the existence of a lien, the department shall
153 issue a certificate of title for the vessel or watercraft in the name of the insurer.

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