

SENATE BILL NO. 233

BY SENATOR JOHNS

1 AN ACT

2 To amend and reenact R.S. 6:965(C)(introductory paragraph) and (2) and 966.1(A)(3),
3 relative to the Additional Default Remedies Act; to provide for definitions; to
4 provide for requirements of the appropriate official; to provide terms, conditions, and
5 requirements; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 6:965(C)(introductory paragraph) and (2) and 966.1(A)(3) are hereby
8 amended and reenacted to read as follows:

9 §965. Scope and definitions

10 * * *

11 C. As used in this Chapter, the following terms ~~shall~~ have the following
12 meanings:

13 * * *

14 (2) "Collateral" shall refer to "motor vehicles" **and "motorcycles"** and ~~shall~~
15 **have has the meaning meanings** set forth in R.S. 32:1252.

16 * * *

17 §966.1. Notice of repossession; contents; fees

18 A. Within three business days of taking possession of collateral, a secured
19 party who utilizes the additional default remedies provided by this Chapter to obtain
20 possession of collateral shall deliver in person or send by mail a "Notice of
21 Repossession" to the recorder of mortgages in the parish where the collateral was
22 located and to the appropriate official for filing purposes. The "Notice of
23 Repossession" shall contain the debtor's name, last known address, date of birth, and
24 a description of the collateral repossessed. If the "Notice of Repossession" is sent by
25 mail, the timeliness of the mailing shall be shown only by an official United States
26 postmark or by official receipt or certificate from the United States Postal Service
27 or private delivery service. For purposes of this Section, the appropriate official shall

1 be:

2 * * *

3 (3) The sheriff for the parish of the debtor's last known address, if there is no
4 other appropriate official as defined in this Subsection. **Notwithstanding**
5 **Paragraphs (A)(1) and (2) of this Subsection, if a secured party files a "Notice**
6 **of Repossession" with the sheriff for the parish of the debtor's last known**
7 **address, then the sheriff is deemed to be the appropriate official and the secured**
8 **party has satisfied the requirements of this Subsection.**

9 * * *

PRESIDENT OF THE SENATE

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: _____