

HOUSE SUMMARY OF SENATE AMENDMENTS

HB 432

2017 Regular Session

Shadoin

MTR VEHICLE/REGISTRATION: Imposes certain requirements on transactions executing the transfer of certificates of title of certain movable property

Synopsis of Senate Amendments

1. Adds that proposed law controls over regulations or policy of the Department of Wildlife and Fisheries that requires the signature of a notary public on a document evidencing transfer of ownership of a vessel or outboard motor.
2. Clarifies that a bill of sale or seller's assignment of a certificate of title must be signed by the seller and may, in lieu of being signed in the presence of a notary public, be signed in the presence of an authorized officer who shall verify the identity of the seller and subscribe his name as a witness.
3. Clarifies that an "authorized officer" may witness a bill of sale or assignment of title to a vessel or outboard motor in lieu of execution in the presence of a notary public.
4. Make a technical change.

Digest of Bill as Finally Passed by Senate

Present law provides for definitions.

Proposed law defines the term "authorized officer" as any officer of a federally insured financial institution operating in La. who is designated to witness the endorsement of a seller, on behalf of a federally insured financial institution for the purpose of transferring a titled motor vehicle.

Present law enumerates certain circumstances that are deemed "endorsements" for the purposes of present law regarding the delivery of certificates of title to the purchaser of a vehicle.

Proposed law adds another circumstance to be deemed an "endorsement" for the purposes of present law. Proposed law provides that the signature of the seller in the presence of an authorized officer, who shall verify the identity of the seller and who shall subscribe his name as a witness, when the seller is transferring ownership to a purchaser who is granting a security interest in the vehicle to the federally insured financial institution that is making a secured loan to the purchaser, shall be considered an "endorsement" for the purposes of present law.

Proposed law requires the federally insured financial institution to provide the Dept. of Public Safety and Corrections, office of motor vehicles, with a separate document identifying the name and job title of the authorized officer for the purpose of verifying that the person signing as a witness is an authorized officer of that particular financial institution.

Proposed law additionally requires this separate document be attached or included with each title presented for transfer.

Present law prohibits a person from selling, assigning, or transferring a vessel or outboard motor titled by the Dept. of Wildlife and Fisheries (DW&F) or documented with the U. S. Coast Guard without delivering to the new owner or the new owner's designee a certificate of title or a certificate of documentation with an assignment in the new owner's name.

Proposed law maintains present law. Proposed law further provides that notwithstanding present law, any other law, or any DW&F rule or policy, if a person sells, assigns, or transfers a vessel or outboard motor to a purchaser who obtains a secured loan from a federally insured financial institution that takes a security interest in the vessel or outboard motor, the bill of sale or seller's assignment of the certificate of title must be signed by the seller and may, in lieu of being signed in the presence of a notary public, be signed in the presence of an authorized officer who shall verify the identity of the seller and subscribe his name as a witness.

Proposed law requires the federally insured financial institution to provide the DW&F with a separate document identifying the name and job title of the authorized officer for the purpose of verifying that the person signing as a witness is an authorized officer of that particular financial institution.

Proposed law provides that for the purposes of proposed law, "authorized officer" means any officer of a federally insured financial institution operating in La. who is designated to witness the bill of sale or assignment of a certificate of title of a seller, on behalf of a federally insured financial institution, for the purpose of executing the transfer of either a vessel or an outboard motor.

Proposed law provides that a federally insured financial institution may designate one or more officers to serve as authorized officers.

(Amends R.S. 34:852.6(A); Adds R.S. 32:702(17) and 705(B)(4))