SENATE FLOOR AMENDMENTS

Amendments proposed by Senator Erdey to Engrossed House Bill No. 470 by Representative Henry Burns

AMENDMENT NO. 1

On page 1, line 2, after "R.S. 32:429.2(B)" insert ", 707(I)(1),707.3(A),"

AMENDMENT NO. 2

On page 1, line 5, after "title;" insert "to provide relative to issuance of a salvage title to an insurance company; to provide relative to issuance of a certificate of destruction to an insurance company;"

AMENDMENT NO. 3

On page 1, line 7, after "R.S. 32:429.2(B)" delete "is" and insert ", 707(I)(1), and 707.3(A) are"

AMENDMENT NO. 4

On page 2, between lines 5 and 6, insert the following:

"§707. Application for certificates of title; exception; salvage title; antique vehicles; reconstructed title

* * *

I.(1)(a) When, as the result of an insurance settlement, a motor vehicle is declared to be a "total loss", as defined in R.S. 32:702, the insurance company, its authorized agent, or the vehicle owner shall, within thirty days from the settlement of the property damages claim, send the certificate of title**, properly endorsed,** to the office of motor vehicles along with an application for a salvage title in the name of the insurance company, or its authorized agent, or the vehicle owner.

(b) If an insurance company or its authorized agent is unable to obtain the certificate of title from the owners(s) or lienholder within thirty days from the settlement of the property damages claim, the insurance company or its authorized agent may submit an application for a salvage title and signed under penalty of perjury, which application shall be accompanied by all of the following:

(i) Evidence acceptable to the office of motor vehicles that the insurance company has made at least two written attempts to the titled owner(s) or lienholder of the motor vehicle by certified mail, return receipt requested, or by use of a delivery service with a tracking system, to obtain the endorsed certificate of title.

(ii)Evidence acceptable to the office of motor vehicles that the insurance company has made payment of a claim involving the motor vehicle.

(iii)The fee applicable to the issuance of a salvage title.

(iv) A release of lien executed by each current holder of a security interest in the motor vehicle.

(c) Upon receipt of an application for a salvage title pursuant to Subparagraph (I)(1)(a) or(b) of this Section, the office of motor vehicles shall issue a salvage title for the vehicle.

(d) The office of motor vehicles may promulgate rules and regulations for the administration of this Subsection pursuant to the Administrative Procedure Act provided that such rules and regulations shall not require any additional documentation from the insurance company other than provided in Subparagraph (I)(1)(b) of this Section.

This set of amendment(s) was prepared by Sharon F. Lyles.

~~(b)~~ **(e)** The insurance company or agent shall notify the office of motor vehicles within thirty days of settlement of the property damage claim and the owner retained salvage value, when the owner of the vehicle is allowed to retain the salvage after the vehicle has been declared a total loss.

~~(c)~~ **(f)** Upon receipt of the salvage title, the insurance company, its authorized agent, or the vehicle owner may proceed to dismantle the vehicle, sell it, or rebuild and restore it to operation. A rebuilder of a salvaged title motor vehicle may upon completion of rebuilding the vehicle demonstrate the rebuilt motor vehicle to a prospective purchaser without applying for a reconstructed vehicle title. Except for the purposes of this demonstration, no rebuilt and restored vehicle shall be operated upon any public street, roadway, or highway until it is registered with the office of motor vehicles, and a reconstructed vehicle title is issued.

* * * "

AMENDMENT NO. 5

On page 2, between lines 20 and 21, insert the following:

"§707.3. Certificates of destruction; application requirements; restrictions on sale; disassembly requirement; department rules; penalties

A. When, as a result of an insurance settlement, a motor vehicle is determined to be water damaged, as defined in this Chapter, the insurance company that acquires ownership of the vehicle shall within thirty days from the settlement of the property damages claim, send the certificate of title to the office of motor vehicles along with an application for a certificate of destruction. This period may be extended by rule or regulation promulgated by the Department of Public Safety and Corrections **pursuant to the Administrative Procedure Act**. **If the insurance company or its authorized agent is unable to obtain the certificate of title from the owner(s) or lienholder within thirty days from the settlement of such property damage claim, the insurance company or its authorized agent may submit an application for a certificate of destruction for such water damaged vehicle signed under penalty of perjury. Such application shall be accompanied by evidence acceptable to the office of motor vehicles that the insurance company has made at least two written attempts to the titled owner(s) or lienholder of the motor vehicle by certified mail, return receipt requested, or by use of a delivery service with a tracking system, to obtain the endorsed certificate of title; evidence that the insurance company has made payment of a property damage claim involving such motor vehicle; and a release of lien executed by each current holder of a security interest in the motor vehicle.**

* * * "

This set of amendment(s) was prepared by Sharon F. Lyles.