CONFERENCE COMMITTEE REPORT
House Bill No. 470 By Representative Henry Burns

June 22, 2011

To the Honorable Speaker and Members of the House of Representatives and the Honorable President and Members of the Senate.

Ladies and Gentlemen:

We, the conferees appointed to confer over the disagreement between the two houses concerning House Bill No. 470 by Representative Henry Burns, recommend the following concerning the Engrossed bill:

1. That Senate Committee Amendments Nos. 1 through 3 proposed by the Senate Committee on Transportation, Highways and Public Works and adopted by the Senate on June 7, 2011, be adopted.

2. That Senate Floor Amendments No. 1 through 3 and Amendment No. 5 proposed by Senator Erdey and adopted by the Senate on June 14, 2011, be adopted.

3. That Senate Floor Amendment No. 4 proposed by Senator Erdey and adopted by the Senate on June 14, 2011, be rejected.

4. That the following amendments to the engrossed bill be adopted:

AMENDMENT NO. 1

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.

~~(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.

* * * "

Respectfully submitted,

Representative Henry L. Burns	Senator Dale M. Erdey
Representative Nita Rusich Hutter	Senator Daniel "Danny" Martiny
Representative Hollis Downs	Senator Joe McPherson

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

CONFERENCE COMMITTEE REPORT DIGEST

House Bill No. 470 by Representative Henry Burns

Keyword and oneliner of the instrument as it left the House

MOTOR VEHICLESMOTOR VEHICLES. Provides for an expedited motor vehicle title process.

Report adopts Senate amendments to HB 470:

1. Authorizes a "perfected lienholder" holding title of a motor vehicle as collateral to also be issued a duplicate copy if the original title is lost or stolen. Requires the perfected lienholder to surrender the copy if the original title is recovered or to surrender a statement of destruction of title.

2. Authorizes an insurance company that is unable to obtain a certificate of title from an owner or lienholder within 30 days from settlement of a property damage claim to obtain a salvage title from the office of motor vehicles upon submission of certain documentation. Allows the office of motor vehicles to promulgate rules and regulations for administration of proposed law.

Report rejects Senate amendments which would have:

1. Provides that any rules and regulations proposed by the office of motor vehicles pertaining to an insurance company obtaining a salvage title from the office of motor vehicles shall not require an additional documentation other that what is required by proposed law.

Report amends the bill to:

1. Deletes provision that any rules and regulations proposed by the office of motor vehicles pertaining to an insurance company obtaining a salvage title from the office of motor vehicles shall not require an additional documentation other that what is required by proposed law.

Digest of the bill as proposed by the Conference Committee

Present law provides for certain fees received by the Dept. of Public Safety and Corrections, office of motor vehicles, to be deposited into the Office of Motor Vehicles Customer Service and Technology Fund.

Proposed law retains present law and provides for any fees charged by DPS&C, office of motor vehicles, in conjunction with expedited motor vehicle titles to be deposited into the Office of Motor Vehicles Service and Technology Fund.

Proposed law provides that any request to convert an existing paper title to an electronic title shall be forwarded to the department by the federally insured depository institution, finance company, lending institution, or other lender through its interface with its designated public tag agent. Upon receipt of such a request the department shall convert the paper to an electronic title at a charge to the lender not to exceed $1.50 per title. This charge shall be forwarded to the state treasurer for deposit into the Office of Motor Vehicles Customer Service and Technology Fund. The public tag agent fee shall not exceed $3 per title conversion request.

Proposed law directs DPS&C, office of motor vehicles, to establish an expedited processing procedure for the receipt of applications and the issuance of certificate of title for motor vehicles.

Proposed law provides that a title would be available on an expedited basis at public tag agent offices.

Proposed law provides that each certificate of title issued pursuant to a procedure established by an expedited processing procedure be an additional $10 to the $18.50 charged for the title itself. The additional $10 shall be forwarded to the state treasurer for deposit into the Office of Motor Vehicles Customer Service and Technology Fund.

Present law authorizes an owner of a motor vehicle to be issued a certified "duplicate copy" of the title if the original title is lost or stolen.

Proposed law authorizes a "perfected lienholder" holding title of a motor vehicle as collateral to also be issued a duplicate copy if the original title is lost or stolen. Requires the perfected lienholder to surrender the copy if the original title is recovered or to surrender a statement of destruction of the title.

Proposed law authorizes an insurance company that is unable to obtain a certificate of title from an owner or lienholder within 30 days from settlement of a property damage claim to obtain a salvage title from the office of motor vehicles upon submission of certain documentation. Allows the office of motor vehicles to promulgate rules and regulations for administration of proposed law.

(Amends R.S. 32:429.2(B), 707(I)(1), 707.3, and 713; adds R.S. 32:707.2(C)(4), 707.6, and 728(10) and (11))