Regular Session, 2014

HOUSE BILL NO. 932

BY REPRESENTATIVE ST. GERMAIN

MOTOR VEHICLES: Provides for acts of donation of a motor vehicle without an authentic act

1	AN ACT
2	To amend and reenact R.S. 32:1253(E) and to enact R.S. 32:705.1, relative to donations of
3	motor vehicles; to provide for donations of motor vehicles by an act under private
4	signature duly acknowledged; to prohibit the motor vehicle commission from
5	implementing or enforcing a rule to limit or prohibit a dealer from making certain
6	charitable donations; and to provide for related matters.
7	Be it enacted by the Legislature of Louisiana:
8	Section 1. R.S. 32:1253(E) is hereby amended and reenacted and R.S. 32:705.1 is
9	hereby enacted to read as follows:
10	§705.1. Acts of Donation; titled motor vehicles
11	A donation of a titled movable by manual gift as provided by Civil Code
12	Article 1543 and documented accordingly by written act of the donor and donee duly
13	acknowledged in any manner provided by law, may be submitted to the office of
14	motor vehicles in connection with a motor vehicle transaction by a Louisiana Motor
15	Vehicle Commission licensee. The office of motor vehicles shall promulgate rules
16	and regulations for implementation of the provisions of this Section.
17	* * *
18	§1253. Motor Vehicle Commission; appointment and qualifications of members;
19	terms of office; organization; oath; official bond; compensation; powers and
20	duties
21	* * *

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CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	E. The commission is hereby vested with the powers and duties necessary
2	and proper to enable it to fully and effectively carry out the provisions and objects
3	of this Chapter, and is hereby authorized and empowered to make and enforce all
4	reasonable rules and regulations and to adopt and prescribe all forms necessary to
5	accomplish said purpose, and the enumeration of any power or authority herein shall
6	not be construed to deny, impair, disparage, or limit any others necessary to the
7	attainment thereof, provided that no rule shall limit or prohibit a dealer from making
8	a charitable donation when the donation is not associated with the sale or lease of a
9	vehicle. A copy of all rules and regulations adopted by the commission shall be
10	published in the Louisiana Administrative Code, as they may be amended, modified,
11	or repealed from time to time.
12	* * *

## 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)]

## St. Germain

HB No. 932

**Abstract:** Authorizes donations of motor vehicles to be executed by an act under private signature duly acknowledged.

<u>Proposed law</u> provides that a donation of a titled movable by manual gift as provided by <u>present law</u> and documented by written act of the donor and donee duly acknowledged may be submitted to the office of motor vehicles in connection with a motor vehicle transaction by a La. Motor Vehicle Commission licensee.

<u>Present law</u> provides that the Motor Vehicle Commission is vested with the powers and duties necessary to enable it to carry out the provisions of <u>present law</u>, and the commission is authorized to make and enforce all reasonable rules and regulations to accomplish said purpose, and the enumeration of any power or authority herein shall not be construed to deny, impair, disparage, or limit any others necessary to the attainment thereof.

<u>Proposed law</u> adds a clarification to <u>present law</u> that specifies that the commission shall not make and enforce rules and regulations that limit or prohibit a dealer from making a charitable donation when the donation is not associated with the sale or lease of a vehicle.

(Amends R.S. 32:1253(E); Adds R.S. 32:705.1)

## Summary of Amendments Adopted by House

- Committee Amendments Proposed by <u>House Committee on Transportation, Highways</u> <u>and Public Works</u> to the <u>original</u> bill.
- 1. Deleted a provision that authorized the transfer of a titled vehicle by an act under private signature duly acknowledged, in lieu of an authentic act.
- 2. Added a provision that specifies that a donation of a titled movable by manual gift and documented by a written act of the donor and donee duly acknowledged may be submitted to the office of motor vehicles in connection with a motor vehicle transaction by a La. Motor Vehicle Commission licensee.

## House Floor Amendments to the engrossed bill.

- 1. Made a technical change.
- 2. Added a provision that prohibits the Motor Vehicle Commission from limiting or prohibiting a dealer from making a charitable donation when the donation is not associated with the sale or lease of a motor vehicle.