
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)]

Stokes

HB No. 539

Abstract: Amends the time delay and methods of timely submission relative to a "Notice of Repossession" and payments of certain fees.

Present law requires a secured party utilizing additional default remedies in obtaining possession of collateral to file a "Notice of Repossession" with the recorder of mortgages in the parish where the collateral was located and with the appropriate official within three days of taking possession of collateral.

Proposed law deletes the three-day filing period of present law. Proposed law requires a secured party's "Notice of Repossession" to be delivered in person or sent by mail to the recorder of mortgages and to the appropriate official within three business days of taking possession of the collateral. The timeliness of a notice sent by mail is shown only by official U.S. postmark, receipt, or certificate of the U.S. Postal Service.

Present law requires a secured party to pay \$75 to the recorder of mortgages and \$250 to the appropriate official for each "Notice of Repossession" filed. Proposed law adds to present law and requires the payments to be delivered in person or sent by mail within three business days of taking possession of the collateral. The timeliness of a payment sent by mail is shown only by official U.S. postmark, receipt, or certificate of the U.S. Postal Service.

Present law provides that if the sheriff is the appropriate official in Orleans Parish, no fee shall be paid to the sheriff; however, the "Notice of Repossession" shall still be filed with the sheriff. Proposed law adds to present law and provides for the notice to be delivered in person or sent by mail to the sheriff within three business days of taking possession of the collateral. The timeliness of a notice sent by mail is shown only by official U.S. postmark, receipt, or certificate of the U.S. Postal Service.

Proposed law requires signature confirmation from the recipient if "Notice of Repossession" or payment is sent by mail.

(Amends R.S. 6:966.1(A)(intro. para.), (B), and (C); Adds R.S. 6:966.1(E))

Summary of Amendments Adopted by House

Committee Amendments Proposed by House Committee on Judiciary to the original bill.

1. Added the requirement that the "Notice of Repossession" shall contain proof of receipt by the recipient if sent by mail.

House Floor Amendments to the engrossed bill.

1. Changed the requirement from retaining proof of receipt of the "Notice of Repossession" that is sent by mail to obtaining signature confirmation from the recipient to prove delivery of the "Notice of Repossession" or payment.