

2016 Regular Session

HOUSE BILL NO. 467

BY REPRESENTATIVE CARMODY

MOTOR VEHICLES: Regulates transactions involving wrecked, abandoned, or repairable motor vehicles and creates a reporting database

1 AN ACT

2 To amend and reenact R.S. 32:781(3) (introductory paragraph) and 808(A) and to enact R.S.  
3 32:809, relative to used motor vehicles; to provide for definitions; to regulate  
4 salvage pools and salvage disposal sales; to establish and maintain a reporting  
5 database for certain transactions; to provide for effectiveness; and to provide for  
6 related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:781(3) (introductory paragraph) and 808(A) are hereby amended  
9 and reenacted and R.S. 32:809 is hereby enacted to read as follows:

10 §781. Definitions

11 As used in this Chapter:

12 \* \* \*

13 (3) "Dismantler and parts recycler" means a person, firm, or corporation  
14 engaged in whole or in part in the business of acquiring and dismantling,  
15 disassembling, or repairing wrecked, abandoned, or repairable motor vehicles or  
16 selling the usable parts thereof, or selling such wrecked, abandoned, or repairable  
17 motor vehicles as a unit of wholesale, or selling such repaired motor vehicles as a  
18 unit at wholesale. For purposes of this Chapter, a person, firm, or corporation shall

1 be presumed to be engaging in the business of a dismantler and parts recycler and  
2 shall be licensed as required by R.S. 32:784 if such person, firm, or corporation  
3 ~~possesses purchases~~ ten or more inoperable wrecked, abandoned, or repairable motor  
4 vehicles ~~for more than thirty days~~ during a twelve month period, except when such  
5 ~~inoperable~~ wrecked, abandoned, or repairable motor vehicles are being held:

6 \* \* \*

7 §808. Salvage pools; record keepers

8 A.~~(†)~~ The owner, manager, or person in charge of a salvage pool or salvage  
9 disposal sale shall ~~keep a register of all sales of motor vehicles~~ do all of the  
10 following for three years from the date of sale, of motor vehicles, including the sale  
11 or transfer of wrecked, abandoned, or repairable motor vehicles: showing the make,  
12 model, year, body style, vehicle identification number, odometer reading, and the  
13 name and address of the seller and buyer.

14 (1) Keep a register of all sales of motor vehicles showing the make, model,  
15 year, body style, vehicle identification number, odometer reading, and the name and  
16 address of the seller and buyer.

17 (2) Obtain and maintain a copy of a driver's license, passport, or other  
18 government-issued identification from the purchaser.

19 (3) Obtain and maintain documented proof of any required license or other  
20 authorization to do business pursuant to this Title.

21 (4) The register shall be made available for inspection by identified law  
22 enforcement officers of the state, parish, or municipality or agents of the commission  
23 at the salvage pool or salvage disposal sale business location during regular business  
24 hours on business days.

25 \* \* \*

26 §809. Reporting to state database; transactions involving wrecked, abandoned, and  
27 repairable motor vehicles

28 A.(1) The commission shall contract with an entity approved as a third party  
29 consolidator to the National Motor Vehicle Title Information System (NVMVTIS)

1        for the development of a statewide database for the submission of information  
2        collected pursuant to this Section. The system shall be used to maintain an accurate  
3        record of all such transactions conducted, and the consolidator shall report such  
4        information to NVMVTIS.

5                (2)(a) The database shall track all transactions of vehicles with a title that is  
6        branded as a wrecked, abandoned, or repairable motor vehicle or other similarly  
7        branded vehicles.

8                (b) The commission shall adopt rules to provide a unique identifier to all  
9        purchasers of wrecked, abandoned, or repairable motor vehicle or other similarly  
10       branded vehicles in order to facilitate tracking of the transactions.

11               (3) The commission shall make the information received pursuant to this  
12       Section available to any state or local law enforcement upon their request.

13               B.(1) The following persons shall report to the database, within forty-eight  
14       hours of a sale, all transactions involving the acquisition, transfer of ownership, or  
15       disposal of any wrecked, abandoned, and repairable motor vehicle or other similarly  
16       branded vehicle:

17               (a) Any seller.

18               (b) Any purchaser not licensed pursuant to R.S. 32:784.

19               (2) Any person, firm, association, corporation, limited liability company, or  
20       trust licensed pursuant to R.S. 32:784 shall report to the database on a monthly basis  
21       all transactions involving the acquisition, transfer of ownership, or disposal of any  
22       wrecked, abandoned, and repairable motor vehicle or other similarly branded  
23       vehicle.

24               C. (1) Any person, firm, association, corporation, limited liability company,  
25       or trust who commits a violation of this Section shall, upon conviction, be fined not  
26       less than five hundred dollars nor more than one thousand dollars.

27               (2) Each day that any person, firm, association, corporation, limited liability  
28       company, or trust fails to adhere to the requirements imposed by this Section  
29       constitutes a separate violation.

1           Section 2. Within three months of the effective date of this Act, the  
2           Louisiana Used Motor Vehicle Commission shall implement and enforce the  
3           provisions of R.S. 32:809, as enacted by Section 1 of this Act.

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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)]

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HB 467 Original

2016 Regular Session

Carmody

**Abstract:** Regulates salvage pools and salvage disposal sales transactions and creates a database for the purpose of tracking those transactions.

Present law enumerates a list of definitions. Proposed law amends the definition of the term "dismantler and parts recycler". Proposed law amends the definition of the term in a way that effectually subjects dismantlers and parts recyclers to the licensing provisions of present law (R.S. 32:784) when the dismantler or parts recycler purchases 10 or more wrecked, abandoned, and repairable motor vehicles during a 12 month period. Proposed law retains the enumerated list of exceptions provided for in present law.

Present law specifies certain requirements that are imposed on owners, managers, or persons in charge of salvage pools or salvage disposal sales. Proposed law retains present law but also requires owners, managers, or persons in charge of salvage pools or salvage disposal sales to do the following:

- (1) Obtain and maintain a copy of a driver's license, passport, or other government-issued identification from the purchaser.
- (2) Obtain and maintain documented proof of any required license or other authorization to do business pursuant to present law.

Proposed law requires the La. Used Motor Vehicle Commission (commission) to contract with an entity approved as a third party consolidator to the National Motor Vehicle Title Information System (NVMVTIS) for the development of a statewide database for the submission of information collected pursuant to proposed law. Proposed law clarifies the intent of proposed law.

Proposed law requires that the database shall be capable of and track all transactions of vehicles with a title that is branded as a wrecked, abandoned, or repairable motor vehicle or other similarly branded vehicles.

Proposed law requires the commission to adopt rules to provide a unique identifier to all purchasers of wrecked, abandoned, or repairable motor vehicle or other similarly branded vehicles in order to facilitate tracking of the transactions.

Proposed law requires the commission to make the information received, pursuant to proposed law, available to any state or local law enforcement upon their request.

Proposed law requires the following persons to report to the database, within forty-eight hours of a sale, all transactions involving the acquisition, transfer of ownership, or disposal of any wrecked, abandoned, and repairable motor vehicle or other similarly branded vehicle:

- (1) Any seller.

(2) Any purchaser not licensed pursuant to present law (R.S. 32:784).

Proposed law requires any person, firm, association, corporation, limited liability company, or trust licensed pursuant to present law (R.S. 32:784) to report to the database on a monthly basis all transactions involving the acquisition, transfer of ownership, or disposal of any wrecked, abandoned, and repairable motor vehicle or other similarly branded vehicle.

Proposed law requires any person, firm, association, corporation, limited liability company, or trust who commits a violation of proposed law to, upon conviction, be fined not less than \$500 nor more than \$1000.

Proposed law specifies that each day that any person, firm, association, corporation, limited liability company, or trust fails to adhere to the requirements imposed by proposed law constitutes a separate violation.

Proposed law requires the commission to implement and enforce the provisions of proposed law within three months of the effective date of proposed law.

(Amends R.S. 32:781(3) (intro para.) and 808(A); Adds R.S. 32:809)