

Regular Session, 2012

HOUSE BILL NO. 704

BY REPRESENTATIVE ANDERS

MOTOR VEHICLES: Authorizes the licensing of titled-movable transfer officers to notarize vehicle titles and bills of sale

1 AN ACT

2 To amend and reenact R.S. 32:705(B)(introductory paragraph) and to enact R.S.  
3 32:705(B)(3) and 735.1, relative to title transfers; to provide for the creation of titled-  
4 movable transfer officer; to provide for contracts; to provide for surety bond; to  
5 provide for fees; and to provide for related matters.

6 Be it enacted by the Legislature of Louisiana:

7 Section 1. R.S. 32:705(B)(introductory paragraph) is hereby amended and reenacted  
8 and R.S. 32:705(B)(3) and 735.1 are hereby enacted to read as follows:

9 §705. Delivery of certificate to purchaser of vehicle

10 \* \* \*

11 B. For purposes of this Section, an "endorsement" means ~~either~~ any of the  
12 following:

13 \* \* \*

14 (3) The signature of the seller in the presence of a licensed titled-movable  
15 transfer officer, as provided for in R.S. 32:735.1.

16 \* \* \*

17 §735.1. Titled-movable transfer officers; licensing and regulation; fees, suspension  
18 and revocation; domicile; surety bonds; expiration and renewal dates

19 A. Eligibility to contract under the provisions of this Section shall be limited  
20 to those persons of good moral character, who maintain an office within the state of  
21 Louisiana, have executed a good and sufficient surety bond that meets the

1        requirements of R.S. 32:736, and have paid the annual fee required by Subsection C  
2        of this Section.

3                B. Titled-movable transfer officers shall be authorized, as provided for in  
4        R.S. 32:705, to truthfully attest to the identity and endorsement of the seller on  
5        vehicle certificates of title and on bills of sale transferring ownership of vehicles in  
6        Louisiana.

7                C. The department shall promulgate such rules as are necessary to implement  
8        this Section. Such rules may include guidelines for eligibility to contract with the  
9        department, criteria for the suspension, revocation, or cancellation of a contract, or  
10       any other matter the department deems necessary for the proper oversight of titled-  
11       movable transfer officers.

12               D. An annual fee of twenty-five dollars shall be collected from a person  
13       seeking to contract with the department prior to the person commencing to act as a  
14       titled-movable transfer officer.

15               E. Every contract between the department and an authorized titled-movable  
16       transfer officer authorized by this Section shall expire as of the first day of June  
17       following the year in which such license was issued. The department may provide  
18       that contracts may be subject to automatic renewal by rule.

19               F. Each contract perfected pursuant to this Section shall be renewed annually  
20       at least sixty days in advance of the expiration date of the contract by submitting to  
21       the office of motor vehicles an application for renewal upon a form supplied by that  
22       office, together with the renewal fee and the surety bond for the renewal period.

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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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Anders

HB No. 704

**Abstract:** Creates the titled-movable transfer officer and provides for powers, duties, and fees.

Present law provides that no person shall sell a vehicle in La. without delivery to the purchaser of a certificate of title issued in the name of the seller with a signed endorsement

of sale, meaning the seller signed that certificate of title either in the presence of a notary, who also signed the title, or in the presence of two witnesses, who also signed the title.

Proposed law adds that a signed vehicle title endorsement or endorsed bill of sale may also be effected by the seller's signing his name in the presence of a licensed titled-movable transfer officer.

Proposed law creates the new position of titled-movable transfer officer, a person authorized by and contracted with the office of motor vehicles to attest to the identity and endorsement of sellers' signatures on vehicle title endorsements and bill of sale documents only. Further provides that those individuals eligible to be such an officer are only those persons who are: of good moral character, maintain an office within the state of La., have executed a surety bond complying with R.S. 32:736 requirements, and have paid an annual \$25 fee to the department.

Proposed law provides that the department shall promulgate rules to implement proposed law including guidelines for eligibility to contract with the department and criteria for suspension, revocation and cancellation of such contracts. Further provides that each such contract shall expire as of the first day of June following the year in which such license was issued. Further provides that the department may provide that such contracts may be automatically renewed by rule. Further provides that each such contract shall be renewed annually at least 60 days in advance of the expiration of the contract by submitting for renewal to the office of motor vehicles an application upon a form supplied by the office of motor vehicles, as well as the renewal bond and the surety bond for the renewal period.

(Amends R.S. 32:705(B)(intro. para.); Adds R.S. 32:705(B)(3) and 735.1)