

FIRST REGULAR SESSION

[P E R F E C T E D]

# SENATE BILL NO. 148

97TH GENERAL ASSEMBLY

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INTRODUCED BY SENATOR WASSON.

Read 1st time January 16, 2013, and ordered printed.

Read 2nd time January 31, 2013, and referred to the Committee on Transportation and Infrastructure.

Reported from the Committee February 28, 2013, with recommendation that the bill do pass and be placed on the Consent Calendar.

Taken up March 7, 2013. Read 3rd time and placed upon its final passage; bill passed.

TERRY L. SPIELER, Secretary.

0639S.01P

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## AN ACT

To repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the issuance of salvage certificate of titles or junking certificates to insurance companies.

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*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Section 301.193, RSMo, is repealed and one new section  
2 enacted in lieu thereof, to be known as section 301.193, to read as follows:

301.193. 1. Any person who purchases or is the owner of real property on  
2 which vehicles, as defined in section 301.010, vessels or watercraft, as defined in  
3 section 306.010, or outboard motors, as that term is used in section 306.530, have  
4 been abandoned, without the consent of said purchaser or owner of the real  
5 property, may apply to the department of revenue for a certificate of title. Any  
6 insurer which purchases a vehicle through the claims adjustment process for  
7 which the insurer is unable to obtain a negotiable title may make an application  
8 to the department of revenue for a salvage certificate of title pursuant to this  
9 section. Prior to making application for a certificate of title on a vehicle under  
10 this section, the insurer or owner of the real estate shall have the vehicle  
11 inspected by law enforcement pursuant to subsection 9 of section 301.190, and  
12 shall have law enforcement perform a check in the national crime information  
13 center and any appropriate statewide law enforcement computer to determine if  
14 the vehicle has been reported stolen and the name and address of the person to  
15 whom the vehicle was last titled and any lienholders of record. The insurer or

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

16 owner or purchaser of the real estate shall, thirty days prior to making  
17 application for title, notify any owners or lienholders of record for the vehicle by  
18 certified mail that the owner intends to apply for a certificate of title from the  
19 director for the abandoned vehicle. The application for title shall be accompanied  
20 by:

21 (1) A statement explaining the circumstances by which the property came  
22 into the insurer, owner or purchaser's possession; a description of the property  
23 including the year, make, model, vehicle identification number and any decal or  
24 license plate that may be affixed to the vehicle; the current location of the  
25 property; and the retail value of the property;

26 (2) An inspection report of the property, if it is a vehicle, by a law  
27 enforcement agency pursuant to subsection 9 of section 301.190; and

28 (3) A copy of the thirty-day notice and certified mail receipt mailed to any  
29 owner and any person holding a valid security interest of record.

30 2. Upon receipt of the application and supporting documents, the director  
31 shall search the records of the department of revenue, or initiate an inquiry with  
32 another state, if the evidence presented indicated the property described in the  
33 application was registered or titled in another state, to verify the name and  
34 address of any owners and any lienholders. If the latest owner or lienholder was  
35 not notified the director shall inform the insurer, owner, or purchaser of the real  
36 estate of the latest owner and lienholder information so that notice may be given  
37 as required by subsection 1 of this section. Any owner or lienholder receiving  
38 notification may protest the issuance of title by, within the thirty-day notice  
39 period and may file a petition to recover the vehicle, naming the insurer or owner  
40 of the real estate and serving a copy of the petition on the director of  
41 revenue. The director shall not be a party to such petition but shall, upon receipt  
42 of the petition, suspend the processing of any further certificate of title until the  
43 rights of all parties to the vehicle are determined by the court. Once all  
44 requirements are satisfied the director shall issue one of the following:

45 (1) An original certificate of title if the vehicle examination certificate, as  
46 provided in section 301.190, indicates that the vehicle was not previously in a  
47 salvaged condition or rebuilt;

48 (2) An original certificate of title designated as prior salvage if the vehicle  
49 examination certificate as provided in section 301.190 indicates the vehicle was  
50 previously in a salvaged condition or rebuilt;

51 (3) A salvage certificate of title designated with the words

52 "salvage/abandoned property" or junking certificate based on the condition of the  
53 property as stated in the inspection report. An insurer purchasing a vehicle  
54 through the claims adjustment process under this section shall only be eligible  
55 to obtain a salvage certificate of title or junking certificate.

56 3. Any insurer which purchases a vehicle that is currently titled in  
57 Missouri through the claims adjustment process for which the insurer is unable  
58 to obtain a negotiable title may make application to the department of revenue  
59 for a salvage certificate of title or junking certificate. Such application may be  
60 made by the insurer or its designated salvage pool on a form provided by the  
61 department and signed under penalty of perjury. The application shall include  
62 a declaration that the insurer has made at least two written attempts to obtain  
63 the certificate of title, transfer documents, or other acceptable evidence of title,  
64 and be accompanied by proof of claims payment from the insurer, evidence that  
65 letters were [delivered] **sent** to the vehicle owner, a statement explaining the  
66 circumstances by which the property came into the insurer's possession, a  
67 description of the property including the year, make, model, vehicle identification  
68 number, and current location of the property, and the fee prescribed in subsection  
69 5 of section 301.190. The insurer shall, thirty days prior to making application  
70 for title, notify any owners or lienholders of record for the vehicle that the insurer  
71 intends to apply for a certificate of title from the director for the vehicle. Upon  
72 receipt of the application and supporting documents, the director shall search the  
73 records of the department of revenue to verify the name and address of any  
74 owners and any lienholders. [After thirty days from receipt of the application,]  
75 **If the director identifies any additional owner or lienholder who has**  
76 **not been notified by the insurer, the director shall inform the insurer**  
77 **of such additional owner or lienholder and the insurer shall notify the**  
78 **additional owner or lienholder of the insured's intent to obtain title as**  
79 **prescribed in this section.** If no valid lienholders have notified the  
80 department of the existence of a lien, the department shall issue a salvage  
81 certificate of title or junking certificate for the vehicle in the name of the insurer.

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