

SECOND REGULAR SESSION

# SENATE BILL NO. 879

96TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR WASSON.

Read 1st time February 29, 2012, and ordered printed.

TERRY L. SPIELER, Secretary.

6048S.011

## AN ACT

To repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the issuance of certain motor vehicle titles to insurers who purchase motor vehicles through the claims adjustment process.

*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Section A. Section 301.193, RSMo, is repealed and one new section  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 [301.011] **301.010**, vessels or watercraft, as  
3 defined in section 306.010, or outboard motors, as that term is used in section  
4 306.530, have been abandoned, without the consent of said purchaser or owner  
5 of the real property, may apply to the department of revenue for a certificate of  
6 title. Any insurer which purchases a vehicle through the claims adjustment  
7 process for which the insurer is unable to obtain a negotiable title may make an  
8 application to the department of revenue for a salvage certificate of title pursuant  
9 to this section. Prior to making application for a certificate of title on a vehicle  
10 under 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  
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

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

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, other than a vehicle**  
57 **described in subsection 1 of this section, through the claims adjustment**  
58 **process for which the insurer is unable to obtain a negotiable title may**  
59 **make application to the department of revenue for a salvage certificate**  
60 **of title or junking certificate. Such application may be made by the**  
61 **insurer or its designated salvage pool on a form provided by the**  
62 **department and signed under penalty of perjury. The application shall**  
63 **include a declaration that the insurer has made at least two written**  
64 **attempts to obtain the certificate of ownership, transfer documents, or**  
65 **other acceptable evidence of title, and be accompanied by proof of**  
66 **claims payment from the insurer, evidence that letters were delivered**  
67 **to the vehicle owner, a statement explaining the circumstances by**  
68 **which the property came into the insurer's possession, a description of**  
69 **the property including the year, make, model, vehicle identification**  
70 **number, and current location of the property, and the fee prescribed**  
71 **in subsection 5 of section 301.190. The department, upon receipt of a**  
72 **properly executed application and the fee, shall attempt to notify any**  
73 **lienholders of record through procedures described in subsection 2 of**  
74 **this section. After thirty days from receipt of the application, if no**  
75 **valid lienholders have notified the department of the existence of a**  
76 **lien, the department shall issue a salvage certificate of title or junking**  
77 **certificate for the vehicle in the name of the insurer.**

✓

Copy