Regular Session, 2010

### HOUSE BILL NO. 1096

### BY REPRESENTATIVE HENRY

1	AN ACT
2	To amend and reenact R.S. 32:1728(D)(3), (4), and (5) and 1728.2(D)(introductory
3	paragraph), (F)(introductory paragraph), and (G)(2) and (6) and to enact R.S.
4	32:1728(D)(6), relative to the disposal of stored motor vehicles; to require a receipt
5	of certificate of mailing to show proof of mailing of notices; to require submission
6	of a photograph of the vehicle prior to disposal; to provide for the inspection of a
7	stored motor vehicle prior to disposal; to require applications for crushing vehicles
8	to be completed in a format specified by the Department of Public Safety and
9	Corrections; and to provide for related matters.
10	Be it enacted by the Legislature of Louisiana:
11	Section 1. R.S. 32:1728(D)(3), (4), and (5) and 1728.2(D)(introductory paragraph),
12	(F)(introductory paragraph), and (G)(2) and (6) are hereby amended and reenacted and R.S.
13	32:1728(D)(6) is hereby enacted to read as follows:
14	\$1728. Disposal of a stored motor vehicle
15	* * *
16	D. Prior to issuance of the permit to sell or permit to dismantle, the storage
17	or parking facility owner shall provide the department with the following evidence:
18	* * *
19	(3) The original signed post office receipt of delivery certificate of mailing
20	for both the first and final notices sent to the stored vehicle's owner or and the
21	returned unopened envelope, if applicable, for the first or final notices with postal
22	markings indicating the post office's attempt to deliver such notice. If either of these
23	items cannot be furnished, other documented proof that the storage or parking
24	facility owner sent notice to the stored vehicle's owner shall be submitted to the
25	department.

**ENROLLED** 

ACT No. 839

## Page 1 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	(4) An original appraisal, prepared by an independent appraiser, which shall
2	contain the year, make, model, and vehicle identification number and the printed
3	name and address and full signature of the appraiser. Additionally, a photograph of
4	the vehicle shall be affixed to the appraisal based on the most recent National
5	Automobile Dealers Association Guide.
6	(5) <u>A photograph of the vehicle in its current condition.</u>
7	(6) If the department requires an affidavit of physical inspection of the stored
8	vehicle, it shall be completed by a full-time Peace Officer Standards and Training
9	(P.O.S.T.) certified law enforcement officer, who has been trained and certified by
10	the Department of Public Safety and Corrections, office of state police, to inspect
11	vehicles to be crushed or dismantled.
12	* * *
13	§1728.2. Procedure for disposal of junk vehicles
14	* * *
15	D. Each owner-operator who possesses a vehicle which meets the criteria set
16	forth in Paragraph (C)(2) of this Section may make application for crushing of the
17	vehicle at the expiration of thirty days or make application for dismantling of the
18	vehicle at the expiration of thirty days from mailing of the notice, by certificate of
19	mailing, notice. The application shall be made in a format authorized by the
20	department on a form provided by the Department of Public Safety and Corrections,
21	office of motor vehicles, upon satisfaction and submission of each of the following
22	requirements:
23	* * *
24	F. Within seven business days following the crushing or dismantling of the
25	vehicle, the licensed crusher or licensed dismantler shall execute a certification for
26	each vehicle, on the form provided in a format authorized by the Department of
27	Public Safety and Corrections, office of motor vehicles, and forward it to the office
28	of motor vehicles, by certificate of mailing, providing the following information:
29	* * *

# Page 2 of 3

CODING: Words in struck through type are deletions from existing law; words <u>underscored</u> are additions.

1	G. The owner-operator shall maintain copies of the following records on all
2	vehicles crushed or dismantled under the provisions of this Section:
3	* * *
4	(2) One appraisal showing the vehicle has a fair market value of five hundred
5	dollars or less. The appraisal shall be based on the standard rough trade-in value of
6	the vehicle as determined by the most recent National Automobile Dealers
7	Association Guide.
8	* * *
9	(6) The original signed post office receipt of delivery, if the letter required
10	to be sent by this Section has been delivered, or certificate of mailing for the notice
11	sent to the stored vehicle's owner and the returned unopened envelope, if applicable,
12	with the postal marking indicating attempt to deliver the letter required by this
13	Section. If either of these items could not be furnished, other documented proof that
14	the storage or parking facility owner sent notice to the stored vehicle owner shall be
15	retained by the owner-operator. These records shall be open to inspection by any
16	peace officer any time the business is open. All records required by this Section
17	shall be maintained for a period of at least three years.
18	* * *

## SPEAKER OF THE HOUSE OF REPRESENTATIVES

## PRESIDENT OF THE SENATE

# GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: \_\_\_\_\_