AN ACT

To amend and reenact R.S. 32:1728(D)(3), (4), and (5) and 1728.2(D)(introductory paragraph), (F)(introductory paragraph), and (G)(2) and (6) and to enact R.S. 32:1728(D)(6), relative to the disposal of stored motor vehicles; to require a receipt of certificate of mailing to show proof of mailing of notices; to require submission of a photograph of the vehicle prior to disposal; to provide for the inspection of a stored motor vehicle prior to disposal; to require applications for crushing vehicles to be completed in a format specified by the Department of Public Safety and Corrections; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 32:1728(D)(3), (4), and (5) and 1728.2(D)(introductory paragraph), (F)(introductory paragraph), and (G)(2) and (6) are hereby amended and reenacted and R.S. 32:1728(D)(6) is hereby enacted to read as follows:

§1728. Disposal of a stored motor vehicle

*          *          *

D. Prior to issuance of the permit to sell or permit to dismantle, the storage or parking facility owner shall provide the department with the following evidence:

*          *          *

(3) The original signed post office receipt of delivery certificate of mailing for both the first and final notices sent to the stored vehicle's owner and the returned unopened envelope, if applicable, for the first or final notices with postal markings indicating the post office's attempt to deliver such notice. If either of these items cannot be furnished, other documented proof that the storage or parking facility owner sent notice to the stored vehicle's owner shall be submitted to the department.
(4) An original appraisal, prepared by an independent appraiser, which shall contain the year, make, model, and vehicle identification number and the printed name and address and full signature of the appraiser. Additionally, a photograph of the vehicle shall be affixed to the appraisal based on the most recent National Automobile Dealers Association Guide.

(5) A photograph of the vehicle in its current condition.

(6) If the department requires an affidavit of physical inspection of the stored vehicle, it shall be completed by a full-time Peace Officer Standards and Training (P.O.S.T.) certified law enforcement officer, who has been trained and certified by the Department of Public Safety and Corrections, office of state police, to inspect vehicles to be crushed or dismantled.

§1728.2. Procedure for disposal of junk vehicles

D. Each owner-operator who possesses a vehicle which meets the criteria set forth in Paragraph (C)(2) of this Section may make application for crushing of the vehicle at the expiration of thirty days or make application for dismantling of the vehicle at the expiration of thirty days from mailing of the notice, by certificate of mailing notice. The application shall be made in a format authorized by the department on a form provided by the Department of Public Safety and Corrections, office of motor vehicles, upon satisfaction and submission of each of the following requirements:

F. Within seven business days following the crushing or dismantling of the vehicle, the licensed crusher or licensed dismantler shall execute a certification for each vehicle, on the form provided in a format authorized by the Department of Public Safety and Corrections, office of motor vehicles, and forward it to the office of motor vehicles, by certificate of mailing providing the following information:
G. The owner-operator shall maintain copies of the following records on all vehicles crushed or dismantled under the provisions of this Section:

*          *          *

(2) One appraisal showing the vehicle has a fair market value of five hundred dollars or less. The appraisal shall be based on the standard rough trade-in value of the vehicle as determined by the most recent National Automobile Dealers Association Guide.

*          *          *

(6) The original signed post office receipt of delivery, if the letter required to be sent by this Section has been delivered, or certificate of mailing for the notice sent to the stored vehicle's owner and the returned unopened envelope, if applicable, with the postal marking indicating attempt to deliver the letter required by this Section. If either of these items could not be furnished, other documented proof that the storage or parking facility owner sent notice to the stored vehicle owner shall be retained by the owner-operator. These records shall be open to inspection by any peace officer any time the business is open. All records required by this Section shall be maintained for a period of at least three years.

*          *          *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

PRESIDENT OF THE SENATE

GOVERNOR OF THE STATE OF LOUISIANA

APPROVED: ____________________