

SECOND REGULAR SESSION

# SENATE BILL NO. 820

100TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR BURLISON.

Pre-filed January 6, 2020, and ordered printed.

ADRIANE D. CROUSE, Secretary.

4760S.01I

## AN ACT

To repeal section 301.193, RSMo, and to enact in lieu thereof one new section relating to the titling of abandoned property.

*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Section A. Section 301.193, RSMo, is repealed and one new section  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  
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

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

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], **filing** a petition to recover the vehicle, naming the insurer  
40 **described in subsection 1, 3, or 6 of this section, as applicable, a salvage**  
41 **pool described in subsection 4 of this section,** or owner of the real estate  
42 **described in subsection 1 of this section,** and serving a copy of the petition  
43 on the director of revenue. The director shall not be a party to such petition but  
44 shall, upon receipt of the petition, suspend the processing of any further  
45 certificate of title until the rights of all parties to the vehicle are determined by  
46 the court. Once all requirements are satisfied the director shall issue one of the  
47 following:

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

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

54 (3) A salvage certificate of title designated with the words  
55 "salvage/abandoned property" or junking certificate based on the condition of the

56 property as stated in the inspection report. An insurer purchasing a vehicle  
57 through the claims adjustment process under this section shall only be eligible  
58 to obtain a salvage certificate of title or junking certificate. **A salvage pool**  
59 **described in subsection 4 of this section or a used motor vehicle dealer**  
60 **described in subsection 5 of this section shall only be eligible to receive**  
61 **a salvage certificate of title or a junking certificate.**

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

87 4. **Any salvage pool that takes possession of a vehicle at the**  
88 **request of an insurer, where the insurer does not purchase the vehicle**  
89 **through the claims adjustment process, may apply to the department**  
90 **of revenue for a salvage certificate of title or junking certificate in the**  
91 **name of the salvage pool, provided that the vehicle has remained**

92 unclaimed on the salvage pool's premises for more than thirty  
93 days. The salvage pool shall, thirty days prior to making application  
94 for title, notify any owners or lienholders of record for the vehicle that  
95 the salvage pool intends to apply for a certificate of title from the  
96 director of revenue. The application for title shall be on a form  
97 provided by the department, signed under penalty of perjury, and shall  
98 be accompanied by:

99 (1) A statement explaining the circumstances by which the  
100 vehicle came into the salvage pool's possession, a description of the  
101 vehicle including the year, make, model, and vehicle identification  
102 number, the current location of the property, and the fee prescribed in  
103 subsection 5 of section 301.190;

104 (2) A copy of the thirty-day notice and certified mail receipt  
105 mailed to any owner and any person holding a valid security interest  
106 of record; and

107 (3) If the vehicle is not currently titled in the state, an inspection  
108 report of the vehicle by a law enforcement agency pursuant to  
109 subsection 9 of section 301.190.

110 Upon receipt of the application and supporting documents, the director  
111 shall search the records of the department of revenue, or initiate an  
112 inquiry with another state if the evidence presented indicates the  
113 property described in the application was registered or titled in  
114 another state, to verify the name and address of any owners and any  
115 lienholders. If the director identifies any additional owner or  
116 lienholder who has not been notified by the salvage pool, the director  
117 shall inform the salvage pool of such additional owner or lienholder  
118 and the salvage pool shall notify the additional owner or lienholder of  
119 the salvage pool's intent to obtain title as prescribed in this subsection.  
120 If no valid lienholders have notified the department of the existence of  
121 a lien, the department shall issue a salvage certificate of title or  
122 junking certificate for the vehicle in the name of the salvage pool.

123 5. Any used motor vehicle dealer that takes possession of a  
124 vehicle at the request of an organization exempt from federal income  
125 taxation under Section 501(c)(3) of the Internal Revenue Code, where  
126 the organization does not provide the used motor vehicle dealer with  
127 negotiable title, may apply to the department of revenue for a salvage  
128 certificate of title or junking certificate in the name of the used motor

129 vehicle dealer, provided that the vehicle has remained unclaimed on  
130 the used motor vehicle dealer's premises for more than thirty  
131 days. The application for title shall be on a form provided by the  
132 department, signed under penalty of perjury, and shall be accompanied  
133 by:

134 (1) A statement explaining the circumstances by which the  
135 vehicle came into the used motor vehicle dealer's possession, a  
136 description of the vehicle including the year, make, model, and vehicle  
137 identification number, the current location of the property, and the fee  
138 prescribed in subsection 5 of section 301.190;

139 (2) A copy of the thirty-day notice and certified mail receipt  
140 mailed to any owner and any person holding a valid security interest  
141 of record; and

142 (3) If the vehicle is not currently titled in the state, an inspection  
143 report of the vehicle by a law enforcement agency pursuant to  
144 subsection 9 of section 301.190.

145 Upon receipt of the application and supporting documents, the director  
146 shall search the records of the department of revenue, or initiate an  
147 inquiry with another state if the evidence presented indicates the  
148 property described in the application was registered or titled in  
149 another state, to verify the name and address of any owners and any  
150 lienholders. If the director identifies any additional owner or  
151 lienholder who has not been notified by the used motor vehicle dealer,  
152 the director shall inform the used motor vehicle dealer of such  
153 additional owner or lienholder and the used motor vehicle dealer shall  
154 notify the additional owner or lienholder of the used motor vehicle  
155 dealer's intent to obtain title as prescribed in this subsection. If no  
156 valid lienholders have notified the department of the existence of a  
157 lien, the department shall issue a salvage certificate of title or junking  
158 certificate for the vehicle in the name of the used motor vehicle dealer.

159 6. Any insurer that purchases a vessel or watercraft that is  
160 currently titled in Missouri through the claims adjustment process for  
161 which the insurer is unable to obtain a negotiable title may make  
162 application to the department of revenue for a certificate of title. Such  
163 application shall be made by the insurer or its designated salvage pool  
164 on a form provided by the department and signed under penalty of  
165 perjury. The application shall include a declaration that the insurer

166 has made at least two written attempts to obtain a certificate of title,  
167 transfer documents, or other acceptable evidence of title, and be  
168 accompanied by proof of claims payment from the insurer, evidence  
169 that letters were sent to the vessel or watercraft owner, a statement  
170 explaining the circumstances by which the property came into the  
171 insurer's possession, a description of the property including the year,  
172 make, hull identification number, and current location of the property,  
173 and the fee prescribed in subsection 3 of section 306.015. The insurer  
174 shall, thirty days prior to making application for title, notify any  
175 owners or lienholders of record for the vessel or watercraft that the  
176 insurer intends to apply for a certificate of title from the director for  
177 the vessel or watercraft. Upon receipt of the application and  
178 supporting documents, the director shall search the records of the  
179 department of revenue to verify the name and address of any owners  
180 and any lienholders. If the director identifies any additional owner or  
181 lienholder who has not been notified by the insurer, the director shall  
182 notify the insurer of such additional owner or lienholder and the  
183 insurer shall notify the additional owner or lienholder of the insurer's  
184 intent to obtain title as prescribed in this subsection. If no valid  
185 lienholders have notified the department of the existence of a lien, the  
186 department shall issue a certificate of title for the vessel or watercraft  
187 in the name of the insurer.

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