

**HOUSE** \_\_\_\_\_ **AMENDMENT NO.** \_\_\_\_\_

**Offered By**

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1 AMEND House Committee Substitute for Senate Bill No. 0557, Page 6, Section 301.193, by  
2 deleting said section and inserting in lieu thereof the following:

3 “301.193. 1. Any person who purchases or is the owner of real property on which  
4 vehicles, as defined in section [301.011] 301.010, vessels or watercraft, as defined in section  
5 306.010, or outboard motors, as that term is used in section 306.530, have been abandoned,  
6 without the consent of said purchaser or owner of the real property, may apply to the department  
7 of revenue for a certificate of title. Any insurer which purchases a vehicle through the claims  
8 adjustment process for which the insurer is unable to obtain a negotiable title may make an  
9 application to the department of revenue for a salvage certificate of title pursuant to this section.  
10 Prior to making application for a certificate of title on a vehicle under this section, the insurer or  
11 owner of the real estate shall have the vehicle inspected by law enforcement pursuant to  
12 subsection 9 of section 301.190, and shall have law enforcement perform a check in the national  
13 crime information 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 whom the vehicle  
15 was last titled and any lienholders of record. The insurer or owner or purchaser of the real estate  
16 shall, thirty days prior to making application for title, notify any owners or lienholders of record  
17 for the vehicle by certified mail that the owner intends to apply for a certificate of title from the  
18 director for the abandoned vehicle. The application for title shall be accompanied by:

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

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

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

27 2. Upon receipt of the application and supporting documents, the director shall search the  
28 records of the department of revenue, or initiate an inquiry with another state, if the evidence

1 presented indicated the property described in the application was registered or titled in another  
2 state, to verify the name and address of any owners and any lienholders. If the latest owner or  
3 lienholder was not notified the director shall inform the insurer, owner, or purchaser of the real  
4 estate of the latest owner and lienholder information so that notice may be given as required by  
5 subsection 1 of this section. Any owner or lienholder receiving notification may protest the  
6 issuance of title by, within the thirty-day notice period and may file a petition to recover the  
7 vehicle, naming the insurer or owner of the real estate and serving a copy of the petition on the  
8 director of revenue. The director shall not be a party to such petition but shall, upon receipt of the  
9 petition, suspend the processing of any further certificate of title until the rights of all parties to  
10 the vehicle are determined by the court. Once all requirements are satisfied the director shall issue  
11 one of the following:

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

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

17 (3) A salvage certificate of title designated with the words "salvage/abandoned property"  
18 or junking certificate based on the condition of the property as stated in the inspection report. An  
19 insurer purchasing a vehicle through the claims adjustment process under this section shall only  
20 be eligible to obtain a salvage certificate of title or junking certificate.

21 3. Any insurer which purchases a vehicle that is currently titled in Missouri through the  
22 claims adjustment process for which the insurer is unable to obtain a negotiable title may make  
23 application to the department of revenue for a salvage certificate of title or junking certificate.  
24 Such application may be made by the insurer or its designated salvage pool on a form provided by  
25 the department and signed under penalty of perjury. The application shall include a declaration  
26 that the insurer has made at least two written attempts to obtain the certificate of title, transfer  
27 documents, or other acceptable evidence of title, and be accompanied by proof of claims payment  
28 from the insurer, evidence that letters were delivered to the vehicle owner, a statement explaining  
29 the circumstances by which the property came into the insurer's possession, a description of the  
30 property including the year, make, model, vehicle identification number, and current location of  
31 the property, and the fee prescribed in subsection 5 of section 301.190. The insurer shall, thirty  
32 days prior to making application for title, notify any owners or lienholders of record for the  
33 vehicle that the insurer intends to apply for a certificate of title from the director for the vehicle.  
34 Upon receipt of the application and supporting documents, the director shall search the records of  
35 the department of revenue to verify the name and address of any owners and any lienholders.  
36 After thirty days from receipt of the application, if no valid lienholders have notified the

1 department of the existence of a lien, the department shall issue a salvage certificate of title or  
2 junking certificate for the vehicle in the name of the insurer.”; and  
3  
4 Further amend said bill by amending the title, enacting clause, and intersectional references  
5 accordingly.