
The original instrument was prepared by Beth O'Quin. The following digest, which does not constitute a part of the legislative instrument, was prepared by Jeanne C. Johnston.

SB 112 Reengrossed

DIGEST
2021 Regular Session

Henry

Present law provides relative to the Louisiana Towing and Storage Act.

Present law requires certain persons to be notified when a vehicle is stored pursuant to the Louisiana Towing and Storage Act.

Present law provides that when a vehicle is stored by the owner of a towing, storage, or parking facility, the owner of the facility shall send notice by certificate of mailing to the owner of the vehicle at the owner's last known address and to the holder of any lien on the vehicle.

Proposed law retains present law.

Present law requires that, after 45 days from the original or adjusted date of storage, a final notice be sent to inform the owner of the stored vehicle that unless all outstanding charges are paid and the vehicle is claimed or arrangements are made for continued storage, the owner of the storage or parking facility may apply for a permit to sell or a permit to dismantle the vehicle from the Department of Public Safety and Corrections (department). Present law requires the storage or parking facility owner to submit certain evidence, including the original certificate of mailing for the first and final notices, to the department prior to the issuance of a permit to sell or a permit to dismantle.

Proposed law requires that, for a vehicle three years old or newer, the final notice be sent by certified mail, return signature electronic, and requires the storage or parking facility owner to submit the return receipts for the first and final notices to the department prior to the issuance of a permit to sell or a permit to dismantle. Proposed law further provides that, for a vehicle over three years old, the final notice be sent by certificate of mailing.

Present law provides for the procedure for the disposal of junk vehicles and certain vehicles considered abandoned by a parish or municipality.

Present law requires certain criteria be met, including notice sent to the vehicle owner prior to the disposal of junk vehicles and vehicles considered abandoned by a parish or municipality.

Present law requires the owner-operator to maintain certain records, including proof of mailing required notice.

Proposed law requires notice be mailed by certified mail, return receipt requested, and that the returned receipt be maintained by the owner-operator as provided by present law.

Effective upon signature of the governor or lapse of time for gubernatorial action.

(Amends R.S. 32:1720(A) and (B)(4) and (8), 1728(A) and (D)(3), 1728.2(G), 1728.3(A), (B), (C), (D)(1) (intro para), (D)(2), (F)(1)(intro para), (F)(1)(f) and (g), and (G))

Summary of Amendments Adopted by Senate

Committee Amendments Proposed by Senate Committee on Transportation, Highways, and Public Works to the original bill

1. Clarifies that notice for consensual tow and storage shall be by certificate of mail.

Senate Floor Amendments to engrossed bill

1. Changes terminology "return receipt requested" to "return signature electronic".
2. Provides that the final notice before disposal of a stored vehicle be by certificate of mailing rather than certified mail.
3. Removes provisions relative to nonconsensual towing and storage.