

HOUSE COMMITTEE AMENDMENTS

2021 Regular Session

Amendments proposed by House Committee on Transportation, Highways and Public Works to Reengrossed Senate Bill No. 112 by Senator Henry

1 AMENDMENT NO. 1

2 On page 1, line 2, after "1728(A) and" and before the comma "," change "(D)(3)" to "(D)(1)
3 through (3)" and at the end of the line change "1728.2(G)," to "1728.2(D) and (G),"

4 AMENDMENT NO. 2

5 On page 1, line 4, after "(G)," and before "relative" insert "and 1734(A), (B), and (D), and
6 to enact R.S. 32:1734(F),"

7 AMENDMENT NO. 3

8 On page 1, line 7, after "procedures;" and before "and" insert "to provide for fees;"

9 AMENDMENT NO. 4

10 On page 1, line 10, after "1728(A) and" and before the comma "," change "(D)(3)" to "(D)(1)
11 through (3)" and at the end of the line change "1728.2(G)," to "1728.2(D) and (G),"

12 AMENDMENT NO. 5

13 On page 1, line 12, after "G" and before "are" insert "and 1734(A), (B), and (D)" and after
14 "reenacted" and before "to" insert "and R.S. 32:1734(F) is hereby enacted"

15 AMENDMENT NO. 6

16 On page 2, line 24, after "owner" and before the period "." insert "**and to the holder of any**
17 **lien on the stored vehicle**" and after "**is**" and before "**years**" change "**three**" to "**five**", and
18 after "**newer**" and before the period "." insert "**and shall only apply to a vehicle that was**
19 **a non-consensual tow or non-consensual storage as defined in R.S. 32:1713. Any notice**
20 **relating to a consensual tow or consensual storage shall be sent by certificate of**
21 **mailing**"

22 AMENDMENT NO. 7

23 On page 2, line 28, after "**owner**" and before the period "." insert "**and to the holder of any**
24 **lien on the stored vehicle**"

25 AMENDMENT NO. 8

26 On page 2, line 29, after "**over**" and before "**years**" change "**three**" to "**five**"

27 AMENDMENT NO. 9

28 On page 3, delete line 17 in its entirety and insert the following:

29 (1) A copy of the original report of the stored vehicle including owner **and**
30 **lienholder** information furnished by the department or its authorized agent.

31 (2) A copy of the first and final notices sent to the owner of the stored vehicle
32 **and to the holder of any lien on the stored vehicle.**"

1 AMENDMENT NO. 10

2 On page 3, line 20, after "owner" and before "and" insert "**and to the holder of any lien on**
3 **the stored vehicle**"

4 AMENDMENT NO. 11

5 On page 3, between lines 26 and 27, insert the following:

6 "* * *

7 D. Each owner-operator who possesses a vehicle which meets the criteria set
8 forth in Paragraph (C)(2) of this Section may make application for crushing of the
9 vehicle at the expiration of thirty days or make application for dismantling of the
10 vehicle at the expiration of thirty days from mailing of the notice. The application
11 shall be made in a format authorized by the department upon satisfaction and
12 submission of each of the following requirements:

13 * * *

14 ~~(2) The owner-operator has the vehicle physically inspected by a Peace~~
15 ~~Officer Standards and Training (P.O.S.T.) certified law enforcement officer, who has~~
16 ~~been trained and certified by the Department of Public Safety and Corrections, office~~
17 ~~of state police, to inspect vehicles to be crushed or dismantled.~~

18 ~~(3)(2) Repealed by Acts 2001, No. 1097, §2.~~

19 ~~(4)(2)~~ The owner-operator obtains an appraisal showing the vehicle has a fair
20 market value of five hundred dollars or less. The appraisal shall be based on the
21 rough trade-in value of the vehicle as determined by the most recent National
22 Automobile Dealers Association Guide. An original appraisal prepared by an
23 independent appraiser, which shall contain the year, make, model, and vehicle
24 identification number, shall be acceptable for vehicles not valued by the National
25 Automobile Dealers Association Guide.

26 ~~(5)(3)~~ The owner-operator shall take photographs of all four sides of the
27 vehicle prior to making application for permission to crush or dismantle."

28 AMENDMENT NO. 12

29 On page 4, delete lines 1 through 4 in their entirety

30 AMENDMENT NO. 13

31 On page 4, line 5, change "**(b)**" to "**(a)**"

32 AMENDMENT NO. 14

33 On page 4, line 12, change "**(c)**" to "**(b)**"

34 AMENDMENT NO. 15

35 On page 4, of line 14, change "**(d)**" to "**(c)**"

36 AMENDMENT NO. 16

37 On page 4, line 16, change "**(e)**" to "**(d)**"

38 AMENDMENT NO. 17

39 On page 4, line 19, change "**(f)**" to "**(e)**"

40 AMENDMENT NO. 18

41 On page 6, between lines 9 and 10, insert the following:

42 "* * *

43 §1734. Gate fees; other fees; excessive charges; prohibitions; cause of action

1 A. A towing or storage company that assesses gate fees shall ~~not assess such~~
2 ~~fee in an amount in excess of forty-five dollars~~ **assess a fixed fee in an amount**
3 **determined by the Public Service Commission.**

4 B. If the towing or storage company charges a gate fee in excess of ~~forty-five~~
5 ~~dollars~~ **the amount fixed by the Public Service Commission**, the owner of the
6 vehicle shall have a right and cause of action to recover the amount of the excess fee,
7 plus reasonable attorney fees, and all costs of court.

8 * * *

9 D. No towing or storage company shall charge a fee for the retrieval of
10 contents from a stored or towed vehicle during normal business hours. However, a
11 towing or storage company may charge a fee, ~~not to exceed forty-five dollars,~~ **in an**
12 **amount determined by the Public Service Commission** for the retrieval of
13 contents from a stored or towed vehicle at a time other than during normal business
14 hours. If the towing or storage company charges a fee in violation of this
15 Subsection, the owner of the vehicle shall have a right and cause of action to recover
16 the amount of the excess fee, plus reasonable attorney fees and all costs of court.

17 * * *

18 **F. The administrative and mailing fees for filing the Official Report of**
19 **Stored Vehicles for in-state and out-of-state notifications shall be determined**
20 **by the Public Service Commission.**"