

2017 Regular Session

HOUSE BILL NO. 432

BY REPRESENTATIVE SHADOIN

Prefiled pursuant to Article III, Section 2(A)(4)(b)(i) of the Constitution of Louisiana.

MTR VEHICLE/REGISTRATION: Imposes certain requirements on transactions executing the transfer of certificates of title of certain movable property

1 AN ACT

2 To amend and reenact R.S. 34:852.6(A) and to enact R.S. 32:702(17) and 705(B)(4), relative
3 to transactions executing the transfer of certificates of title of certain movable
4 property; to provide for definitions; to regulate certain transactions transferring
5 certificates of title of movable property; to impose certain procedural requirements;
6 and to provide for related matters.

7 Be it enacted by the Legislature of Louisiana:

8 Section 1. R.S. 32:702(17) and 705(B)(4) are hereby enacted to read as follows:

9 §702. Definitions

10 As used in this Chapter:

11 * * *

12 (17) "Authorized officer" means any officer of a federally insured financial
13 institution operating in Louisiana who is designated to witness the endorsement of
14 a seller, on behalf of a federally insured financial institution, for the purpose of
15 executing the transfer of a titled motor vehicle or titled vehicle in accordance with
16 the requirements of this Chapter. A federally insured financial institution may
17 designate one or more officers to serve as authorized officers.

18 * * *

19 §705. Delivery of certificate to purchaser of vehicle

20 * * *

1 B. For purposes of this Section, an "endorsement" means one of the
2 following:

3 * * *

4 (4)(a) The signature of the seller in the presence of an authorized officer, as
5 defined in R.S. 32:702(17), who shall verify the identity of the seller and who shall
6 subscribe his name as a witness thereon, when the seller is transferring ownership to
7 a purchaser who is granting a security interest in the vehicle to the federally insured
8 financial institution that is making a secured loan to the purchaser.

9 (b) The federally insured financial institution shall provide the Department
10 of Public Safety and Corrections, office of motor vehicles, with a separate document
11 identifying the name and job title of the authorized officer for the purpose of
12 verifying that the person signing as a witness is an authorized officer of that
13 particular financial institution.

14 Section 2. R.S. 34:852.6(A) is hereby amended and reenacted to read as follows:
15 §852.6. Prohibition of vessel or outboard motor sale, assignment, or transfer without
16 certificate of title or documentation

17 A.(1) No person shall sell, assign, or transfer a vessel or outboard motor
18 titled by the department or documented with the United States Coast Guard without
19 delivering to the new owner or the new owner's designee a certificate of title or a
20 certificate of documentation with an assignment in the new owner's name.

21 (2)(a) Notwithstanding the requirements of Paragraph (1) of this Subsection
22 or any other law to the contrary, if a person sells, assigns, or transfers a vessel or
23 outboard motor titled by the department to a purchaser who obtains a secured loan
24 from a federally insured financial institution that takes a security interest in the
25 vessel or outboard motor, the endorsement or assignment of the certificate of title
26 shall be signed by the seller and witnessed by an authorized officer, as defined in
27 Item (c)(i) of this Paragraph, who shall subscribe his name as a witness thereon.

28 (b) The federally insured financial institution shall provide the department
29 with a separate document identifying the name and job title of the authorized officer

1 for the purpose of verifying that the person signing as a witness is an authorized
 2 officer of that particular financial institution.

3 (c)(i) For the purposes of this Section, "authorized officer" shall mean any
 4 officer of a federally insured financial institution operating in Louisiana who is
 5 designated to witness the endorsement or assignment of a certificate of title of a
 6 seller, on behalf of a federally insured financial institution, for the purpose of
 7 executing the transfer of either a vessel or an outboard motor.

8 (ii) A federally insured financial institution may designate one or more
 9 officers to serve as authorized officers.

10 * * *

DIGEST

The digest printed below was prepared by House Legislative Services. It constitutes no part of the legislative instrument. The keyword, one-liner, abstract, and digest do not constitute part of the law or proof or indicia of legislative intent. [R.S. 1:13(B) and 24:177(E)]

HB 432 Engrossed

2017 Regular Session

Shadoin

Abstract: Requires that certain transactions transferring the certificate of title of certain movable property be witnessed by an authorized officer of a federally insured financial institution.

Present law provides for definitions.

Proposed law defines the term "authorized officer".

Present law enumerates certain circumstances that are deemed "endorsements" for the purposes of present law regarding the delivery of certificates of title to the purchaser of a vehicle.

Proposed law adds another circumstance to be deemed an "endorsement" for the purposes of present law.

Proposed law provides that the signature of the seller in the presence of an authorized officer, who shall verify the identity of the seller and who shall subscribe his name as a witness, when the seller is transferring ownership to a purchaser who is granting a security interest in the vehicle to the federally insured financial institution that is making a secured loan to the purchaser shall be considered an "endorsement" for the purposes of present law.

Proposed law requires the federally insured financial institution to provide the Department of Public Safety and Corrections, office of motor vehicles, with a separate document identifying the name and job title of the authorized officer for the purpose of verifying that the person signing as a witness is an authorized officer of that particular financial institution.

Present law provides that no person shall sell, assign, or transfer a vessel or outboard motor titled by the Department of Wildlife and Fisheries (DWF) or documented with the U. S.

Coast Guard without delivering to the new owner or the new owner's designee a certificate of title or a certificate of documentation with an assignment in the new owner's name.

Proposed law maintains present law. Proposed law further provides that, notwithstanding the requirements of present law or any other law to the contrary, if a person sells, assigns, or transfers a vessel or outboard motor titled by DWF to a purchaser who obtains a secured loan from a federally insured financial institution that takes a security interest in the vessel or outboard motor, the endorsement or assignment of the certificate of title shall be signed by the seller and witnessed by an authorized officer who shall subscribe his name as a witness thereon.

Proposed law requires the federally insured financial institution to provide the DWF with a separate document identifying the name and job title of the authorized officer for the purpose of verifying that the person signing as a witness is an authorized officer of that particular financial institution.

Proposed law provides that for the purposes of proposed law, "authorized officer" means any officer of a federally insured financial institution operating in La. who is designated to witness the endorsement or assignment of a certificate of title of a seller, on behalf of a federally insured financial institution, for the purpose of executing the transfer of either a vessel or an outboard motor.

Proposed law provides that a federally insured financial institution may designate one or more officers to serve as authorized officers.

(Amends R.S. 34:852.6(A); Adds R.S. 32:702(17) and 705(B)(4))

Summary of Amendments Adopted by House

The Committee Amendments Proposed by House Committee on Transportation, Highways and Public Works to the original bill:

1. Change the term "authorized signer" to "authorized officer" throughout the bill.
2. Add that an endorsement means the signature of the seller in the presence of an authorized officer who must verify the identity of the seller and who must subscribe his name as a witness thereon.
3. Add that an endorsement or assignment of a certificate of title must be signed by the seller and witnessed by an authorized signer who must subscribe his name as a witness thereon.