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The original instrument and the following digest, which constitutes no part of the legislative instrument, were prepared by Lebra Bias.

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DIGEST

SB 491 Original 2022 Regular Session Fesi

Present law provides that the holder of a chattel mortgage enforceable against third parties pursuant to present law or the secured party under a perfected security interest subject to present law, shall have the right to those remedies provided in present law (R.S. 9:5363).

Proposed law deletes present law.

Present law defines "Abandoned motor vehicle" as a motor vehicle that is inoperable and is left unattended on public property for more than 24 hours, or is inoperable and left unattended on the shoulder or right-of-way of an interstate or a four-lane highway for more than 24 hours, or a motor vehicle that has remained illegally on public property for a period of more than 24 hours, or a motor vehicle that has remained on private property without the consent of the owner or person in control of the property for more than three days.

Proposed law retains present law but changed the time period a motor vehicle has remained on private property without consent in present law definition of "abandoned motor vehicle" from more than three days to more than two days.

Present law provides that if, within one year following the date of the sale, the owner or lienholders of the vehicle present sufficient proof to the municipality or parochial authority of his ownership or lien, the owner or lienholder shall be entitled to the amount received for his individual vehicle less his pro rata share of the costs and expenses of the sale, as well as all charges and costs due and owing for removal and storage of said vehicle, and that any funds not claimed within one year following the date of sale shall be deposited to the general fund of the municipality or parish.

Proposed law retains present law but changes the time periods from one year to six months following the sale date for the owner to present proof of ownership to vehicle. Further changes the time period of unclaimed funds from one year to six months following the date of sale shall be deposited to the general fund of the municipality or parish.

Present law provides that the term "total loss" shall mean that the cost to repair a damaged or dismantled motor vehicle exceeds the junk value of said vehicle, as determined by any recognized national appraisal book, and that the ordinance shall provide for the removal and disposition of such junk motor vehicles after notice of not less than 10 days either placed on the vehicle itself or given to the owner, if known.

Proposed law retains present law but changes the notice requirement in present law meaning of "total loss" from 10 days to 7 days.

Effective August 1, 2022.

(Amends R.S. 9:5363.1(B)(1)(intro para), R.S. 32:471(1) and 476(A)(3), and R.S. 33:4876(B))