

HOUSE COMMITTEE AMENDMENTS

2023 Regular Session

Amendments proposed by House Committee on Civil Law and Procedure to Original House Bill No. 176 by Representative Jefferson

1 AMENDMENT NO. 1

2 On page 1, line 1, after "To" and before "enact" insert "amend and reenact Civil Code Article
3 525 and to"

4 AMENDMENT NO. 2

5 On page 1, line 1, after "Article 520" and before the comma "," delete "and to repeal Civil
6 Code Article 525"

7 AMENDMENT NO. 3

8 On page 1, line 4, after "Civil Code;" and before "and" insert "to provide for registered
9 movables;"

10 AMENDMENT NO. 4

11 On page 1, line 7, after "Section 1." and before "Civil" insert "Civil Code Article 525 is
12 hereby amended and reenacted and"

13 AMENDMENT NO. 5

14 On page 2, delete line 42 in its entirety and insert the following:

15 "Art. 525. Registered movables.
16 ~~The provisions of this Chapter do not apply to movables that are~~ Movables
17 required by law to be registered in public records are subject to the provisions of this
18 Chapter.

19 Revision Comments - 2023
20 This provision fills a gap in the law. Former Article 525 declared: "The
21 provisions of this Chapter do not apply to movables that are required by law to be
22 registered in public records." However, neither the former article nor any other
23 provision stated in the affirmative what law governed transfers of registered
24 movables in lieu of this Chapter. Although sellers of motor vehicles are required to
25 comply with the Vehicle Certificate of Title Law, R.S. 32:701 et seq., the Vehicle
26 Certificate of Title Law does not contain provisions addressing the transfer of
27 ownership of motor vehicles. Louisiana courts have held consistently that the
28 Vehicle Certificate of Title Law does not require transfer of the certificate of title to
29 a vehicle in order for the sale to be a valid one and that the sale of a vehicle is not
30 affected by non-compliance with the Vehicle Certificate of Title Law.
31 *Transportation Equipment Co. v. Dabdoub*, 69 So. 2d 640 (La. Ct. App. 1954); *Flatte*
32 *v. Nichols*, 96 So. 2d 477 (La. 1957); *Shanks v. Callahan*, 232 So. 2d 306 (La. App.
33 1 Cir. 1969); *Tarver v. Tarver*, 242 So. 2 374 (La. App. 2 Cir. 1970); *Robinson v.*
34 *Jackson*, 255 So. 2d 846 (La. App. 2 Cir. 1971); *Theriac v. McKeever*, 405 So. 2d
35 354 (La. App. 2 Cir. 1981); *Wright v. Barnes*, 541 So. 2d 977 (La. App. 2 Cir. 1989);
36 *Maloney v. State Farm Ins. Co.*, 583 So. 2d 12 (La. App. 4 Cir. 1991); *Biggs v.*
37 *Prewitt*, 669 So. 2d 441 (La. App. 1 Cir. 1995); *Lambert v. Ray Brandt Dodge, Inc.*,
38 31 So. 3d 1108 (La. App. 5 Cir. 2010). Nevertheless, failure to comply with the
39 Vehicle Certificate of Title Law is not without consequence. For example, the
40 purchaser's failure to obtain a certificate of title to the vehicle in accordance with the
41 Vehicle Certificate of Title Law prevents the purchaser from acquiring a "marketable

CODING: Words in ~~struck through~~ type are deletions from existing law; words underscored are additions.

1 title." R.S. 32:706. In addition, a person's knowing failure to comply with disclosure
2 provisions of the Vehicle Certificate of Title Law may expose that person to criminal
3 and/or civil liability. See, e.g., R.S. 32:706.1. Notwithstanding those and other
4 obligations imposed by the Vehicle Certificate of Title Law upon parties involved
5 in the transfer of vehicles, the provisions of this Chapter govern the transfer of
6 ownership of such vehicles."