

DIGEST

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SB 112 Reengrossed

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 and holder of any lien on 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 five 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 five years old, the final notice be sent by certificate of mailing to the owner of a stored vehicle and holder of a lien on the stored vehicle. Proposed law requires the provisions of proposed law only apply to a vehicle that was a non-consensual tow or non-consensual storage, and requires any notice relating to a consensual tow or consensual storage 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. Requires the owner-operator who possesses a vehicle meet certain criteria to submit an application for crushing or dismantling of the vehicle at the expiration of thirty days.

Present law requires the owner-operator have the vehicle physically inspected by a trained and certified Peace Officer Standards and Training certified law enforcement officer.

Proposed law removes the provisions of present law.

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.

Present law requires a towing or storage company assess a gate fee of not more than \$45. Authorizes a towing or storage company to charge a fee of not more than \$45 for the retrieval of contents from a stored or towed vehicle at a time other than during normal business hours.

Proposed law modifies present law by requiring the assessed fees be a fixed fee determined by the Public Service Commission. Requires the administrative and mailing fees for filing the Official Report of Stored Vehicles for in-state and out-of-state notifications be determined by the Public Service Commission.

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)(1) through (3), 1728.2(D) and (G), 1728.3(A), (B), (C), (D)(1) (intro para), (D)(2), (F)(1)(intro para), (F)(1)(f) and (g), and (G), and 1734(A), (B), and (D); Adds R.S. 32:1734(F))

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.

Summary of Amendments Adopted by House

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

1. Make technical changes.
2. Change the age of the applicable vehicle from three years to five years.
3. Require notice be sent to the holder of any lien on the stored vehicle, in addition to the owner.
4. Remove a provision for the owner-operator to have the vehicle physically inspected by a trained and certified Peace Officer Standards and Training certified law enforcement officer for an application for the crushing or dismantling of the vehicle at the expiration of thirty days.
5. Require a towing or storage company assess a gate fee in an amount fixed by the Public Service Commission. Authorizes a towing or storage company to charge a fee in an amount fixed by the Public Service Commission for the retrieval of contents from a stored or towed vehicle at a time other than during normal business hours.
6. Require the administrative and mailing fees for filing the Official Report of Stored Vehicles for in-state and out-of-state notifications be determined by the Public Service Commission.

7. Add lienholder information as specific data that must be furnished by the department prior to dismantling. Also, require copies of notices sent to the lienholder prior to dismantling.